

## TITLE VI.

### MOTOR VEHICLES AND TRAFFIC REGULATIONS

#### CHAPTER

- 16 TRAFFIC CODE
- 17 GENERAL PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATIONS

#### CHAPTER 16

#### TRAFFIC CODE

(The purpose of this Chapter is to enumerate the motor vehicle and traffic laws for the County of Kauai and to provide for the administration and enforcement thereof. The Kauai Traffic Code supplements the Statewide Traffic Code, Chapter 291, H.R.S. and, consequently, reference should also be made thereto for a complete compilation of State and County laws relative to motor vehicles and traffic regulations.)

- Article 1. General Provisions
  - Sec. 16-1.1 Purpose
  - Sec. 16-1.2 Title
  - Sec. 16-1.3 Definitions
- Article 2. Traffic Administration
  - Sec. 16-2.1 County Council To Exercise Functions By Resolution
  - Sec. 16-2.2 Department Of Public Works
  - Sec. 16-2.3 County Engineer
- Article 3. Enforcement Of Traffic Regulations
  - Sec. 16-3.1 Authority Of Chief Of Police And Police Department
  - Sec. 16-3.2 Authority Of Fire Department
  - Sec. 16-3.3 Public Employees To Obey Traffic Regulations
- Article 3A. Emergency Use Of Real Private Property
  - Sec. 16-3A.1 Purpose
  - Sec. 16-3A.2 Definitions
  - Sec. 16-3A.3 Authority Of The Chief Of Police
  - Sec. 16-3A.4 Indemnity
  - Sec. 16-3A.5 Owner Information
- Article 4. Traffic Control Devices
  - Sec. 16-4.1 Traffic Lane Markings
  - Sec. 16-4.2 Interference With Official Traffic Control Devices
- Article 5. Speed Restrictions
  - Sec. 16-5.1 Speed Restrictions
  - Sec. 16-5.2 Minimum Speed Regulations
  - Sec. 16-5.3 Speed Of Certain Vehicles Restricted

- Article 6.        Limitations On Turning
  - Sec. 16-6.1    Turning Around (U-Turn) Prohibited In Business Districts
  - Sec. 16-6.2    Cutting Corners
- Article 7.        No-Passing Zone; Towed Vehicles
  - Sec. 16-7.1    No-Passing Zone
  - Sec. 16-7.2    Towed Vehicles
- Article 8.        Special Stops
  - Sec. 16-8.1    Stopping At Designated Through Streets
  - Sec. 16-8.2    Stop Line
  - Sec. 16-8.3    Designation Of Through Highways
  - Sec. 16-8.4    Signs Designating Through Highways
- Article 9.        Stopping, Standing And Parking
  - Sec. 16-9.1    Stopping, Standing Or Parking Outside Of Business Or Residence Districts
  - Sec. 16-9.2    Officers Authorized To Remove Illegally Stopped Vehicles
  - Sec. 16-9.3    Parking Spaces; Required Parking Therein
  - Sec. 16-9.4    Standing Or Parking Close To Curb
  - Sec. 16-9.5    Registered Owner's Responsibility; Registration Plate As Prima Facie Evidence As To Parking And Abandonment
  - Sec. 16-9.6    Abandoned Vehicles On Highway
  - Sec. 16-9.7    Authority To Store Vehicles
  - Sec. 16-9.8    Authority To Dispose Of Unclaimed Vehicles
  - Sec. 16-9.9    Motorcycles And Motorscooters
  - Sec. 16-9.10   Parking On Parade Routes And On Any Special Occasion
  - Sec. 16-9.11   Unattended Motor Vehicles Of Postal Service
  - Sec. 16-9.12   Towing Away And Storage Of Vehicles
- Article 10.       Stopping, Standing Or Parking Prohibited In Specified Places
  - Sec. 16-10.1   Prohibited Stopping, Standing Or Parking
  - Sec. 16-10.2   Moving Of Vehicles Into Prohibited Area
  - Sec. 16-10.3   Parking Of Vehicle Into Stall Not Facing The Flow Of Traffic
  - Sec. 16-10.4   Parking For Certain Purposes Prohibited
  - Sec. 16-10.5   Parking Not To Obstruct Traffic
  - Sec. 16-10.6   County Building And Civic Center Off Street Parking And Enforcement
- Article 11.       Stopping For Loading Or Unloading Only
  - Sec. 16-11.1   Standing In Loading Zones For Loading Or Unloading Only
  - Sec. 16-11.2   Prohibited Parking Within Loading Or Unloading Zone
  - Sec. 16-11.3   Boarding Or Alighting From Any Vehicle And Use Of Vehicle Doors

- Article 12. Stopping, Standing Or Parking Restricted Or Prohibited On Certain Streets Or Areas; Exceptions
- Sec. 16-12.1 Time Limit Parking
  - Sec. 16-12.2 Taking On Or Discharging Passengers Or Freight
  - Sec. 16-12.3 Prohibited Uses Of Parked Vehicles Between 8:00 P.M. And 6:00 A.M.; Definitions And Exceptions
  - Sec. 16-12.4 Parking For Disabled Persons
  - Sec. 16-12.5 Volunteer Accessible Parking Enforcement Pilot Project
- Article 13. Parking Or Operation Of Motor Vehicles Within Public Parks, School Grounds Or On Federal-Aid Highways Restricted
- Sec. 16-13.1 Parking Of Vehicles On Roadways Within Public Parks Or Public School Grounds
  - Sec. 16-13.2 Unlawful Parking On Roadways Within Public Parks Or Public Schools
  - Sec. 16-13.3 Operation Of Motor Vehicles On Public Park Grounds Or School Grounds
  - Sec. 16-13.4 Restricted Parking On Federal-Aid Highways
- Article 14. Buses; Bus Stops
- Sec. 16-14.1 Buses Not Permitted To Stand Or Park Except In Officially Designated Bus Stops
  - Sec. 16-14.2 Other Vehicles Not To Be Parked, Stopped Or Permitted To Stand In Bus Stops
- Article 15. Pedestrian's Rights And Duties
- Sec. 16-15.1 Blind And Crippled Pedestrian's Right Of Way
  - Sec. 16-15.2 Pedestrians Soliciting Rides
- Article 16. Operation Of Bicycles And Other Play Vehicles, Carts, Motorcycles And Motorscooters
- Sec. 16-16.1 License Required
  - Sec. 16-16.2 Attachment Of License Plate
  - Sec. 16-16.3 Parking
  - Sec. 16-16.4 Riding On Sidewalks
  - Sec. 16-16.5 Riding Two Abreast Prohibited
  - Sec. 16-16.6 Use Of Coasters, Roller Skates, And Other Play Vehicles On Roadways Prohibited
  - Sec. 16-16.7 Mopeds Prohibited From Designated Bicycle Lanes And Bicycle Paths
- Article 17. Equipment
- Sec. 16-17.1 Scope And Effect Of Regulations
  - Sec. 16-17.2 New Motor Vehicles To Be Equipped With Reflectors

- Sec. 16-17.3 Application Of Succeeding Sections
- Sec. 16-17.4 Additional Equipment Required On Certain Vehicles
- Sec. 16-17.5 Color Of Clearance Lamps, Side Marker Lamps, And Reflectors
- Sec. 16-17.6 Mounting Of Reflectors, Clearance Lamps And Side Marker Lamps
- Sec. 16-17.7 Visibility Of Reflectors, Clearance Lamps And Marker Lamps
- Sec. 16-17.8 Stop Lamps Required On New Motor Vehicles
- Sec. 16-17.9 Lamps On Parked Vehicles
- Sec. 16-17.10 Spot Lamps
- Sec. 16-17.11 Auxiliary Driving Lamps
- Sec. 16-17.12 Signal Lamps And Signal Devices
- Sec. 16-17.13 Additional Lighting Equipment
- Sec. 16-17.14 Head Lamps
- Sec. 16-17.15 Multiple-Beam Road-Lighting Equipment
- Sec. 16-17.16 Use Of Multiple-Beam Road-Lighting Equipment
- Sec. 16-17.17 Single-Beam Road-Lighting Equipment
- Sec. 16-17.18 Number Of Driving Lamps Permitted
- Sec. 16-17.19 Obstructed Lights Not Required
- Sec. 16-17.20 Head Lamps On Motorized Scooters
- Sec. 16-17.21 Special Restrictions On Lamps
- Sec. 16-17.22 Selling Or Using Lamps Or Devices
- Sec. 16-17.23 Brake Equipment Required
- Sec. 16-17.24 Performance Ability Of Brakes
- Sec. 16-17.25 Maintenance Of Brakes
- Sec. 16-17.26 Horns And Warning Devices
- Sec. 16-17.27 Mufflers; Prevention Of Noise
- Sec. 16-17.28 Rear Vision Mirror Required
- Sec. 16-17.29 Windshields To Be Unobstructed And Equipped With Wiper
- Sec. 16-17.30 Windshield, Hood, Fenders And Bumpers Required On All Vehicles
- Sec. 16-17.31 Mudguards Required
- Sec. 16-17.32 Certain Vehicles To Carry Flares Or Other Warning Devices
- Sec. 16-17.33 Display Of Warning Devices When Vehicle Is Disabled
- Sec. 16-17.34 Display Of Warning Devices By Passenger Buses When Disabled
- Sec. 16-17.35 Vehicles Transporting Explosives And Flammable Liquids
- Sec. 16-17.36 (Reserved)
- Sec. 16-17.37 Television In Motor Vehicles

Article 18. (Reserved)

- Article 19.      Weight, Size And Load
- Sec. 16-19.1      Projecting Loads On Vehicles
  - Sec. 16-19.2      Trailers And Towed Vehicles
  - Sec. 16-19.3      Police Officers May Weigh Vehicles And  
                    Require Removal Of Excess Loads
  - Sec. 16-19.4      Liability For Damage To Highway Or  
                    Structures
  - Sec. 16-19.5      Improper Use Of Roads And Bridges
  - Sec. 16-19.6      Permit To Operate Equipment And Load Of  
                    Excessive Weight, Width Or Height
  - Sec. 16-19.7      Regulations As To Movement Of Loads Of  
                    Excessive Width
- Article 20.      Miscellaneous Provisions
- Sec. 16-20.1      Tracking Mud On Highways
  - Sec. 16-20.2      Regulations Governing Traffic During  
                    Parades, Funeral Or Other Processions
  - Sec. 16-20.3      Unlawful Riding
  - Sec. 16-20.4      Obstruction Of Intersection
  - Sec. 16-20.5      Warning Signs Required For The Protection  
                    Of Workmen On The Highway
  - Sec. 16-20.6      Carrying Passengers On Trucks
  - Sec. 16-20.7      Restrictions On Federal-Aid Highways
  - Sec. 16-20.8      Permanent And Temporary Truck Crossings
- Article 21.      Penalties And Procedures On Arrest
- Sec. 16-21.1      Procedure Upon Arrest
  - Sec. 16-21.2      Summons Or Citation
  - Sec. 16-21.3      Summons Or Citation On Illegally Parked  
                    Vehicle
  - Sec. 16-21.4      Failure To Comply With Summons Attached To  
                    Parked Vehicle
  - Sec. 16-21.5      When Complaint To Be Issued
  - Sec. 16-21.6      Required Public Obedience To Traffic  
                    Regulations
  - Sec. 16-21.7      Knowledge Of Ordinance
  - Sec. 16-21.8      Penalty
  - Sec. 16-21.9      Revocation Or Suspension Of License
  - Sec. 16-21.10      Disposition Of Fines And Forfeitures
- Article 22.      Speed Humps
- Sec. 16-22.1      Purpose
  - Sec. 16-22.2      Definitions
  - Sec. 16-22.3      Powers and Duties of County Engineer
  - Sec. 16-22.4      Requests for Approval
  - Sec. 16-22.5      Street Conditions
  - Sec. 16-22.6      Streets on Which Speed Humps Shall Not  
                    be Installed
  - Sec. 16-22.7      Rules

## ARTICLE 1. GENERAL PROVISIONS

### Sec. 16-1.1 Purpose.

The provisions of this Chapter are to provide for the regulation of traffic upon the public streets of the County of Kauai, and private streets, highways, or thoroughfares, which for more than five (5) years have been continuously used by the general public. (Ord. No. 134, January 19, 1968; Sec. 16-1.1, R.C.O. 1976)

### Sec. 16-1.2 Title.

This Chapter shall be known as the Traffic Code of the County of Kauai and may be cited as the "Traffic Code." (Ord. No. 134, January 19, 1968; Sec. 16-1.2, R.C.O. 1976)

### Sec. 16-1.3 Definitions.

When used in this Chapter the following words or phrases shall have the meaning given in this Section unless it shall be apparent from the context that a different meaning is intended:

"Bicycle Lane" means that portion of the highway which has been set aside for the preferential or exclusive use of bicycles.

"Bicycle Path" means the facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway.

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

"Flammable Liquids" means any liquid which has a flash point of 70 degrees F., or less, as determined by a Tagliabue or equivalent closed-cup test device.

"Freight Loading Zone" means that space set aside for the use of vehicles during the loading or unloading of materials.

"Moped" means a device upon which a person may ride which has two or three wheels in contact with the ground, a motor having a maximum power output capability measured at the motor output shaft, in accordance with the Society of Automotive Engineers standards, of one and one-half horsepower (one thousand, one hundred nineteen watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the device unassisted, on a level surface at a maximum speed no greater than

thirty-five miles per hour; and a direct or automatic power drive system which requires no clutch or gear shift operation by the moped driver after the drive system is engaged with the power unit.

"Motor Scooter" means every motorcycle with a motor which produces not more than five horsepower, but excludes a moped.

"Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but which is not operated upon rails, but excludes a moped.

"Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excludes a farm tractor and a moped.

"Muffler" means a device consisting of a series of baffle plates, or chambers, or perforated tube or tubes with spun glass, spun steel, or other type of sandwich packing, or of other mechanical design or construction, for the purpose of receiving exhaust gas and effectively reducing exhaust noise from the motor of a motor vehicle.

"Operator" means every person other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

"Passenger Loading Zone" means that space set aside for the use of vehicles during the loading or unloading of passengers.

"Procession" means a group of people or a group of vehicles on a roadway, moving as a cohesive unit, in the same direction and at the same time on said roadway, as distinguished from a group of vehicles on a roadway, moving in the same direction and at the same time, on said roadway, toward a common destination.

"Public Holiday" means all legal holidays now existing, Sundays or such as may be subsequently specifically proclaimed by the Governor of the State or as otherwise provided by law.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term roadway as used herein refers to any such roadway separately but not to all such roadways collectively.

"School Zone" means each and every street and all public property or ways within five hundred (500) feet of the boundaries of any school.

"Trailer" means a vehicle designed for carrying persons or property and for being drawn by a motor vehicle. (Ord. No. 134, January 19, 1968; Ord. No. 390,

July 31, 1980; Sec. 16-1.3, R.C.O. 1976; Ord. No. 530, December 9, 1987; Ord. No. 580, October 24, 1990; Ord. No. 767, May 16, 2001)

## **ARTICLE 2. TRAFFIC ADMINISTRATION**

### **Sec. 16-2.1 County Council To Exercise Functions By Resolution.**

When exercising the following functions, the County Council shall do so by resolution:

(a) Determine and designate the type of all official control devices, provided that insofar as local conditions permit, with and, as far as possible, conform to the system then current as approved by the American Association of State Highway Officials.

(b) Create, define, re-define, eliminate or change all safety zones, quiet zones, traffic lanes, crosswalks, freight and passenger loading and unloading zones, no-parking zones, time-limit parking zones, U-turn areas, prohibited left and right turn intersections, one-way streets, through streets, stop intersections, and designate the type of markings or signs to be placed and maintained for the identification of those zones or areas.

(c) Designate markers, buttons, pavement markings, or signs to be placed within or adjacent to intersections indicating the course to be traveled by vehicles turning at intersections.

(d) Determine and designate certain curb markings to indicate no parking or standing.

(e) Determine and designate bicycle lanes and bicycle paths upon which the operation of mopeds are prohibited. (Ord. No. 134, January 19, 1968; Ord. No. 390, July 31, 1980; Sec. 16-2.1, R.C.O. 1976)

### **Sec. 16-2.2 Department Of Public Works.**

Subject to Section 16-2.1 of this Article, the Department of Public Works of the County of Kauai is authorized to install those devices, signs, signals and markings required for the purpose of traffic control, and it shall be its duty to place and maintain or cause to be placed and maintained all official traffic control devices, signs, signals, and markings. All devices, signs, signals, and markings required for the purpose of traffic control shall so far as practicable be uniform as to type and location throughout the County and shall, as far as possible, conform to the specifications designated in the 1978 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as copyrighted and published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Ord. No. 134, January 19, 1968; Sec. 16-2.2, R.C.O. 1976)



**Sec. 16-2.3 County Engineer.**

The County Engineer shall erect and maintain suitable warning signs on public highways legible from a distance of one hundred (100) feet and located at a reasonable distance from hazards with respect to bridges, dangerous curves, intersecting highways, and other conditions of a hazardous nature, which signs shall designate the proximity of each hazard. (Ord. No. 134, January 19, 1968; Sec. 16-2.3, R.C.O. 1976)



**ARTICLE 3. ENFORCEMENT OF TRAFFIC REGULATIONS**

**Sec. 16-3.1 Authority Of Chief Of Police And Police Department.**

(a) It shall be the duty of the Police Department of the County of Kauai to enforce the provisions of this Chapter. Police Officers are authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this Chapter, and it shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a Police Officer.

(b) The Chief of Police is empowered to make and enforce temporary regulations to cover emergencies or special conditions as they arise from time to time and to post signs pertaining thereto, provided that no temporary regulation shall extend beyond a six (6) months' period.

(c) The County Council shall designate vehicles of municipal departments, public service corporations or government vehicles that are to be authorized emergency vehicles, other than vehicles of the Fire Department, Police Department and Ambulance Service. (Ord. No. 134, January 19, 1968; Sec. 16-3.1, R.C.O. 1976)

**Sec. 16-3.2 Authority Of Fire Department.**

Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (Ord. No. 134, January 19, 1968; Sec. 16-3.2, R.C.O. 1976)

**Sec. 16-3.3 Public Employees To Obey Traffic Regulations.**

The provisions of this Chapter shall apply to the operator of any vehicle owned by or used in the service of the United States Government, the State or the County of Kauai, and it shall be unlawful for any driver or operator of any government vehicle to violate any of the provisions of this Chapter, except as otherwise permitted by this Chapter, or by Federal or State law. (Ord. No. 134, January 19, 1968; Sec. 16-3.3, R.C.O. 1976)

**ARTICLE 3A. EMERGENCY USE OF REAL PRIVATE PROPERTY**

**Sec. 16-3A.1 Purpose.**

In the interest of protecting the health, life and property, and preserving the order and security of the County and its inhabitants, this article authorizes the chief of police to direct vehicles and pedestrians onto and through private real property during an emergency. It is intended to allow the redirection of vehicular and pedestrian traffic onto private property in the event of traffic obstructions which result from natural disasters, hazardous material spills and traffic accidents. (Ord. No. 711, October 14, 1996)

**Sec. 16-3A.2 Definitions.**

Whenever used in this article, unless a different meaning clearly appears from the context, certain words and terms are defined as follows:

"Chief of Police" means the chief of police of the County of Kauai and his authorized representative or representatives.

"County" means the County of Kauai, State of Hawaii.

"Emergency" means the imminent or actual occurrence of an event, which has the likelihood of causing extensive injury, death, or property damage, including but not limited to the spillage of hazardous material on a public highway or public place or a traffic accident which impedes the safe and necessary movement of persons or vehicles over public highways.

"Emergency area" means the area in which an emergency occurs or is likely to occur.

"Owner" means a person or entity that owns, leases or otherwise is in possession or control of real property.

"Public highway" means all state and county roads, alleys, streets, ways, lanes, bikeways and bridges. (Ord. No. 711, October 14, 1996)

**Sec. 16-3A.3 Authority of the Chief of Police.**

In the times of an emergency the Chief of Police may divert vehicles, pedestrians, or both, onto private real property for the purpose of accommodating the movement of people and vehicles away from an emergency area. The Chief of Police shall immediately notify the Owner or Owners or its agents, orally, prior to the diversion of vehicles and/or pedestrian onto his property, followed with a written notice of said diversion. (Ord. No. 711, October 14, 1996)

**Sec. 16-3A.4 Indemnity.**

Should the Chief of Police act as provided for in section 16-3A.3, the County shall indemnify and hold harmless the owner of real property so used against all loss, liability, claims, demands, suits, actions, and damages arising directly out of public use of such real property for emergency purposes. (Ord. No. 711, October 14, 1996)

**Sec. 16-3A.5 Owner Information.**

The Owner or Owners shall provide the Chief of Police with current information of the Owner's mailing address, names(s), and phone number(s) of the Owner's contact persons. (Ord. No. 711, October 14, 1996)

**ARTICLE 4. TRAFFIC CONTROL DEVICES**

**Sec. 16-4.1 Traffic Lane Markings.**

(a) When a broken line is used for a center line or lane line, that line is a guide line and may not be crossed by vehicular traffic, unless movement can be made with safety.

(b) When a single solid or a double solid line is used for a center or lane line, the line is of a regulatory character and is not to be crossed by vehicular traffic except when turning into or out of private driveways or intersecting highways or when directed by a police officer or any other persons authorized to direct, control, or regulate traffic or when the streets are traffic coned to allow additional traffic lanes at times of emergency or peak traffic hours.

(c) Whenever a combination of solid and broken lines is used, any solid line appearing in the same lane in which the vehicle is traveling shall not be crossed at any time, except when turning into or out of private driveways or roads, or intersecting streets or highways, and, any broken line appearing in the same lane in which the vehicle is traveling may be crossed at any time provided movement can be made with safety.

(d) When traffic cones are used by proper authority to temporarily control the flow of traffic in lanes other than designated by the permanent pavement markings, the lines designated by the cones shall have the same regulatory effect as the permanent markings. (Ord. No 134, January 19, 1968; Ord. No. 165, November 22, 1972; Sec. 16-4.1, R.C.O. 1976)

#### **Sec. 16-4.2 Interference With Official Traffic Control Devices.**

No person shall erect or maintain any red or green light or red or green neon sign within seventy-five (75) feet of any intersection where traffic is controlled by signal lights without first obtaining a written permit from the County Engineer, Department of Public Works, certifying that the light or sign at the specified location does not constitute undue distraction to a vehicle driver acting in obedience to the directions of the traffic signal lights. (Ord. No. 134, January 19, 1968; Sec. 16-4.2, R.C.O. 1976)

### **ARTICLE 5. SPEED RESTRICTIONS**

#### **Sec. 16-5.1 Speed Restrictions.**

(a) Except when a special hazard exists the following speeds shall be lawful but any speed in excess of limits in this Section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(b) No person shall operate a vehicle on a street or highway at a speed in excess of the following limits:

(1) Fifteen (15) miles per hour while passing through a school zone when school is in session.

(2) Twenty-five (25) miles per hour in any residential district, business district, camp site, town, village or sparsely built up and developed district.

(3) Thirty-five (35) miles per hour where properly designated by signs.



(4) Forty-five (45) miles per hour where properly designated by signs.

(5) Fifty (50) miles per hour while traveling on all highways, streets and roadways except as otherwise provided in this Article.

(c) Whenever the County Council shall determine upon the recommendation of the County Engineer based on an engineering and traffic investigation that any maximum speed limit established for any area is greater or less than is reasonable and safe under the conditions found to exist, the County Council may designate any speed limit determined to be reasonable and safe for the area by resolution. The County Engineer shall post officially designated signs indicating the maximum speed limit determined by the County Council for the area. (Ord. No. 134, January 19, 1968; Sec. 16-5.1, R.C.O. 1976)

#### **Sec. 16-5.2 Minimum Speed Regulation.**

(a) No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the County Council shall determine upon the recommendation of the County Engineer based on an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the County Council may by resolution determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with the law. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C.O. 1971; Sec. 16-5.2, R.C.O. 1976)

#### **Sec. 16-5.3 Speed Of Certain Vehicles Restricted.**

(a) No vehicle equipped wholly or partly with solid rubber tires shall be operated upon any highway at a speed in excess of ten (10) miles per hour.

(b) No vehicle transporting any explosive as a cargo or part of a cargo shall be operated upon any highway at a speed in excess of twenty-five (25) miles per hour.

(c) No vehicle towing a trailer not equipped with brakes and transporting a boat shall be operated upon any highway in excess of thirty-five (35) miles per hour, unless the gross weight of the trailer with the boat is less than one thousand (1,000) pounds. (Ord. No. 134, January 19, 1968; Ord. No. 246, May 9, 1975; Sec. 16-5.3, R.C.O. 1976)

## ARTICLE 6. LIMITATIONS ON TURNING

### Sec. 16-6.1 Turning Around (U-Turn) Prohibited In Business Districts.

The driver of any vehicle whether stopped, parked, or moving, shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district. (Ord. No. 134, January 19, 1968; Sec. 16-6.1, R.C.O. 1976)

### Sec. 16-6.2 Cutting Corners.

When making right or left turns from one street into another or traveling from one street to another, no person shall operate or drive a vehicle on or across any sidewalk area or through any driveway, parking lot, or business entrance thus avoiding any intersection; provided that this section shall not prohibit the use of such driveway, parking lot, or business entrance when such use is incidental to business to be transacted on the premises. (Ord. No. 736, May 17, 1999)

## ARTICLE 7. NO-PASSING ZONE; TOWED VEHICLES

### Sec. 16-7.1 No-Passing Zone.

The Department of Public Works is authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and the Department of Public Works may by appropriate signs or markings on the roadway indicate the beginning and end of the zones. (Ord. No. 134, January 19, 1968; Sec. 16-7.1, R.C.O. 1976)

### Sec. 16-7.2 Towed Vehicles.

(a) When any vehicle shall be drawn or towed by another vehicle upon a roadway, the distance between vehicles shall not exceed fifteen (15) feet. No vehicle shall draw or tow at the same time more than one (1) vehicle upon any roadway. A truck-tractor and semi-trailer shall be regarded as one (1) vehicle when determining the number of vehicles.

(b) Vehicles involved in towing operations shall have a sign containing the words "Car In Tow" plainly legible, prominently displayed and securely fastened to the front of the towing vehicle and the rear of the vehicle in tow. The sign shall contain letters not less than four (4) inches in height and shall be in contrast to the background of the sign. (Ord. No. 134, January 19, 1968; Sec. 16-7.2, R.C.O. 1976)

## ARTICLE 8. SPECIAL STOPS

### Sec. 16-8.1 Stopping At Designated Through Streets.

When stop signs, officially designated, are erected upon streets or highways intersecting any through street at the



entrance thereto, or upon any other street or highway at the entrance to any intersection, every driver or operator of any moving vehicle shall stop at the stop line; provided, however, that in the event there is no stop line, then said driver or operator shall stop at the nearest line marking the crosswalk at such entrance; and provided, further, that in the event there are no such lines, then said driver or



operator shall stop at the place where such street meets the prolongation of the nearest property line of such through street or other street or highway to be entered. (Ord. No. 134, January 19, 1968; Sec. 16-8.1, R.C.O. 1976; Sec. 16-8.1, 1978 Cumulative Supplement)

**Sec. 16-8.2 Stop Line.**

A 'stop line' means a clearly visible solid white line or lines extended across a roadway or any portion thereof to indicate the point at which all vehicles of whatever class are required to stop in compliance with the requirements of this Chapter. (Ord. No. 134, January 19, 1968; Sec. 16-8.2, R.C.O. 1976; Sec. 16-8.2, 1978 Cumulative Supplement)

**Sec. 16-8.3 Designation Of Through Highways.**

A through highway means any street or portions thereof designated by the County Council. (Ord. No. 134, January 19, 1968; Sec. 16-8.3, 1978 Cumulative Supplement)

**Sec. 16-8.4 Signs Designating Through Highways.**

The County Engineer shall erect and maintain appropriate signs, devices or markers to be placed and maintained on each and every street intersecting a 'through highway' designated in this Article, signs, devices or markers to bear the word 'Stop' and to be located in an appropriate position and to be provided with letters of a size to be clearly legible from a distance of at least one hundred (100) feet along the street intersecting the through highway. All signs shall be illuminated and plainly visible at night or so placed as to be illuminated and plainly visible by street lights or by the headlights of approaching vehicles. (Ord. No. 134, January 19, 1968; Sec. 16-8.4, 1978 Cumulative Supplement)

**ARTICLE 9. STOPPING, STANDING AND PARKING**

**Sec. 16-9.1 Stopping, Standing Or Parking Outside Of Business Or Residence Districts.**

(a) Upon any highway outside of a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway when it is practical to stop, park or to leave the vehicle off such part of the highway, but in every event an unobstructed width of ten (10) feet of the highway opposite a standing vehicle shall be left for free passage of other vehicles and a clear view of a stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon the highway.

(b) This Section shall not apply to the driver of any vehicle which is disabled while on the paved or main

traveled portion of a highway and in a manner and extent that is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position, provided that the driver shall take reasonable precaution to prevent a collision with the disabled vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-9.1, R.C.O. 1976)

**Sec. 16-9.2 Officers Authorized To Remove Illegally Stopped Vehicles.**

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions, the officer may move the vehicle, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the paved or main traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(c) The expense incurred in the removal of the vehicle shall be borne by the owner of the vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-9.2, R.C.O. 1976)

**Sec. 16-9.3 Parking Spaces; Required Parking Therein.**

(a) The County Council of the County of Kauai shall establish, mark and designate, where there is an apparent need therefor, a consecutive series of parking spaces for parking of motor vehicles.

(b) Whenever parking spaces are so established, marked off and designated, the driver of any vehicle, excepting only single vehicles of a greater length or width, shall park the vehicle completely within a designated space.

(c) In places where the shoulder adjacent to the edge of the roadway is of sufficient width for parking a vehicle, no person shall park his vehicle on any paved portion of the roadway.

(d) Where diagonal parking spaces have been so designated, they shall not exceed eight (8) feet in width and shall not exceed a thirty-five (35) degree angle from the curbing. (Ord. No. 134, January 19, 1968; Sec. 16-9.3, R.C.O. 1976)

**Sec. 16-9.4 Standing Or Parking Close To Curb.**

Upon any roadway within a business or residential district, no person shall stand or park a vehicle other than parallel with the edge of the roadway, headed in the direction of traffic and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the roadway, except while parked wholly within stalls marked or designated pursuant to Sec. 16-9.3 of this Article. (Ord. No. 134, January 19, 1968; Sec. 16-9.4, R.C.O. 1976)

**Sec. 16-9.5 Registered Owner's Responsibility; Registration Plate As Prima Facie Evidence As To Parking And Abandonment.**

In any proceeding for violation of the parking or the abandonment provisions of this Chapter, the serial number displayed on the registration plate attached to the vehicle involved in the violation shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or abandoned the vehicle at the point where, and during the time when the violation occurred. (Ord. No. 134, January 19, 1968; Sec. 16-9.5, R.C.O. 1976)

**Sec. 16-9.6 Abandoned Vehicles On Highway.**

No person shall abandon any vehicle or disabled vehicle on the public highway. The Chief of Police may remove or cause to be removed any abandoned vehicle from the highway, and the registered owner of the vehicle shall be liable for all reasonable expenses incurred by the removal. Leaving vehicles unattended for more than twenty-four (24) hours shall constitute abandonment within the meaning of this Section. (Ord. No. 134, January 19, 1968; Sec. 16-9.6, R.C.O. 1976)

**Sec. 16-9.7 Authority To Store Vehicles.**

(a) Members of the Police Department may remove a vehicle from a street or highway to the nearest garage or other place of safety under the circumstances enumerated in this Section:

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(4) When any vehicle is left unattended upon a street and is parked in front of a public or private driveway so as to constitute an obstruction to vehicular traffic using that driveway for purposes of egress and ingress.

(5) When any vehicle is left unattended and parked on a street or portion thereof so as to interfere with or impede construction or repairs being made thereon, provided adequate signs giving notice of

construction and prohibiting parking, and designating the time of the prohibition are properly posted by the County Engineer.

(b) Whenever an officer removes or causes to be removed a vehicle from a street as authorized in this Article and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice to the Police Department Dispatch Office the fact of the removal and the reasons therefor, and of the place to which the vehicle has been moved.

(c) Whenever an officer removes a vehicle from a street and does not know and is not able to ascertain the name of the owner as provided in this Article, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the officer shall immediately send or cause to be sent a written report of the removal by mail to the County Treasurer whose duty it is to register motor vehicles. The report shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for the removal, the name of the garage or place where the vehicle is stored.

(d) The registered owner of the vehicle shall be liable for all reasonable expenses incurred by the removal and storage. (Ord. No. 134, January 19, 1968; Sec. 16-9.7, R.C.O. 1976)

#### **Sec. 16-9.8 Authority To Dispose Of Unclaimed Vehicles.**

(a) The Chief of Police may dispose of vehicles which have been taken into custody pursuant to Section 16-9.7 of this Article. The disposition shall be at a public auction under a procedure as the Chief of Police shall establish with the approval of the Police Commission and the County Council.

Written notice of the auction shall be sent to the last known address of the owner of the unclaimed vehicle, at least ten (10) days prior to the date of auction, and the auction shall be held not earlier than sixty (60) days after the date upon which the unclaimed vehicle shall have been taken into custody. Any person entitled to any vehicle may claim the vehicle at any time prior to the auction upon payment of all costs and expenses relating to the towing and storage of the vehicle, as determined by the Chief of Police.

(b) The funds derived from the auction shall be used to defray the expenses of the auction and any other expenses incurred in taking into custody or keeping the unclaimed vehicle, and the balance, if any, shall become a realization of the General Fund.

(c) In the event that no bid is received, the Chief of Police shall offer the unclaimed vehicle to the Department of Public Works of the County of Kauai for its use or for

salvage; and in the event the Department of Public Works shall reject the offer, the Chief of Police shall dispose of the vehicle at a County refuse dump at the expense of the County of Kauai. (Ord. No. 134, January 19, 1968; Sec. 16-9.8, R.C.O. 1976)

**Sec. 16-9.9 Motorcycles And Motorscooters.**

(a) Notwithstanding any provision to the contrary, the following shall apply to on-street parking of motorcycles and motorscooters in spaces marked for parallel parking:

(1) More than one (1) motorcycle or motorscooter or a combination of such motorcycles and motorscooters shall be permitted to park in spaces marked for parallel parking.

(2) Any motorcycle or motorscooter parked within any space marked for parallel parking shall be parked diagonally (at an angle of approximately sixty (60) degrees to the curb line) with the front end facing the street and in the direction which the vehicles in the near lane of traffic are traveling.

(3) A minimum clearance of three (3) feet at each end of the parallel parking space shall be maintained, provided that only the vehicle parked within the three (3) feet area shall be deemed to be in violation of the minimum clearance requirement.

(4) No person shall prevent the parking of additional motorcycles or motorscooters when space is available within any parallel parking space.

(5) Any motorcycle or motorscooter parked within any parallel parking space shall be entitled to the full parking time permitted by law, provided that in any metered space each and every vehicle parked within the space shall be deemed to be parked illegally, if the meter displays a violation. (Ord. No. 134, January 19, 1968; Sec. 16-9.9, R.C.O. 1976)

**Sec. 16-9.10 Parking On Parade Routes And On Any Special Occasion.**

The County Engineer may, whenever in his judgment deems it necessary, prohibit or restrict the parking of any vehicle on either or both sides of any street or portion thereof, constituting a part of the route of a parade or a procession, or on any special occasion, and also upon any street adjacent thereto by the erection or placement of temporary signs setting forth such restrictions. When signs are erected or placed prior to the parade, procession or special occasion, it shall be unlawful to park or leave unattended any vehicle in violation of the signs.

The Chief of Police may remove or cause to be removed, at the owner's expense, any vehicle left unattended or parked in violation of the signs. (Ord. No. 134, January 19, 1968; Sec. 16-9.10, R.C.O. 1976)

**Sec. 16-9.11 Unattended Motor Vehicles Of Postal Service.**

Any employee of the United States Postal Service while actually engaged in depositing mail in mail boxes placed along a street or highway as defined in the Statewide Traffic Code, Chapter 291C, H.R.S., or while engaged in delivering and collecting mail therefrom, may permit his motor vehicle to stand unattended with the motor running, provided, that he shall first effectively set the brakes thereon, and provided further that when the motor vehicle is left standing unattended upon any grade the front wheels shall be turned to the curb or side of the highway. This Section shall have no application where the employee leaves the highway for any purpose. (Ord. No. 134, January 19, 1968; Sec. 16-9.11, R.C.O. 1976)

**Sec. 16-9.12 Towing Away And Storage Of Vehicles.**

(a) Any police officer is hereby authorized to remove, tow away and store, or have removed, towed away and stored by any commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle.

(b) The County Council may by resolution establish tow away zones providing for the removal and storage of vehicles found within the tow away zone. The resolution shall set forth the area, date and time wherein parking is strictly prohibited and subject vehicles parked in such zones to being towed away and stored. All tow away zones shall be indicated by appropriate signs or markings.

(c) Towing away of abandoned vehicles.

(1) When a vehicle is abandoned on a public highway or road in the County for more than twenty-four (24) consecutive hours, any police officer may authorize its removal by a towing service.

(2) When any unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is impeding traffic, its immediate removal and storage may be ordered by any police officer.

(d) Vehicles towed away under the provisions of this Section shall be stored in the storage yard of the towing agency, and shall be restored to the owner or operator of such vehicle only upon the payment of towing charges and storage fees assessed according to the towing and storage charges currently allowed the commercial towing service contractor rendering such services for the County or specific towing charges established by the Police Department for tow away vehicles, whichever is lower.

(e) Any police officer causing the towing away of any vehicle shall promptly notify the dispatcher of the Police



Department where such vehicle is stored. All owners or operators of vehicles towed away shall have the responsibility of inquiring as to the place of its storage. Towed away vehicles shall be subject to a lien in favor of the person rendering any towing or storage services to the amount of such charges.

(f) When a vehicle is towed away, the Police Department shall maintain a record of the vehicle towed, listing the color of the vehicle, its make, the year of manufacture, the body style, and the license plate number, and shall indicate the date and hour of tow and the locality from which the vehicle was towed away and place of storage.

(g) If a towed vehicle remains unclaimed in storage for more than twenty-four (24) hours, a written notice shall be mailed by the Police Department to the registered owner at the address stated in the registration certificate identifying the vehicle, the place of storage and that the vehicle will be sold if unclaimed within twenty (20) days after mailing of the notice. Sale procedure shall be in accordance with the provisions of Chapter 290, Hawaii Revised Statutes. (Ord. No. 382, April 22, 1980)

#### **ARTICLE 10. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES**

##### **Sec. 16-10.1 Prohibited Stopping, Standing Or Parking.**

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
  - (2) On a sidewalk.
  - (3) Within an intersection.
  - (4) On a crosswalk.
  - (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings.
  - (6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
  - (8) On any railroad tracks.
  - (9) At any place where official signs prohibit stopping.
  - (10) On any roadway bend or curve where visibility of the vehicle from both directions is less than five hundred (500) feet.

(11) On the crest of any hill so that the vehicle or any part thereof will extend upon the traveled portion of the roadway.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(1) Within six (6) feet of a public or private driveway.

(2) Within ten (10) feet of a fire hydrant.

(3) Within twenty (20) feet of a crosswalk at an intersection.

(4) Within six (6) feet of any crosswalk not at an intersection.

(5) Within thirty (30) feet upon the approach to any flashing signal stop sign or traffic-control signal located at the side of a roadway.

(6) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted.

(7) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(1) At any place where official signs prohibit parking. (Ord. No. 134, January 19, 1968; Sec. 16-10.1, R.C.O. 1976)

#### **Sec. 16-10.2 Moving Of Vehicles Into Prohibited Area.**

(a) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as is unlawful.

(b) No person shall move or drive a vehicle onto the opposite lane, or the left lane, of the roadway facing oncoming traffic, except in an emergency.

(c) No person shall park or stop a vehicle on the opposite lane or the left lane, including the roadway shoulders of the lanes, so that the vehicle is facing oncoming traffic, except in an emergency. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C. O. 1971; Sec. 16-10.2, R.C.O. 1976)

#### **Sec. 16-10.3 Parking Of Vehicle Into Stall Not Facing The Flow Of Traffic.**

No person shall execute a left turn or stop and reverse a vehicle in order to park the vehicle within a parking stall that angles and faces the oncoming traffic. (Ord. No. 134, January 19, 1968; Sec. 16-10.3, R.C.O. 1976)

**Sec. 16-10.4 Parking For Certain Purposes Prohibited.**

No person shall stand or park a vehicle upon any street or highway for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing the vehicle, except the making of repairs necessitated by an emergency. (Ord. No. 134, January 19, 1968; Sec. 16-10.4, R.C.O. 1976; Ord. No. 668, December 9, 1994)

**Sec. 16-10.5 Parking Not To Obstruct Traffic.**

No person shall park any vehicle upon a street or alley in a manner or under conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic. (Ord. No. 134, January 19, 1968; Sec. 16-10.5, R.C.O. 1976)

**Sec. 16-10.6 County Building And Civic Center Off Street Parking And Enforcement.**

(a) It is unlawful for any person to park a vehicle in a parking stall within the areas described in subsection (d) herein, unless such vehicle has a decal affixed thereon evidencing the issuance of a parking permit by the County Engineer or his authorized representative to park within such area.

(b) It is unlawful for any person to:

(1) Park a vehicle outside of a designated parking stall within the areas provided for county officials and employees and appointed members of boards or commissions described in subsection (d) herein;

(2) Disregard or violate any direction, instruction or restriction indicated by or on appropriate signs and markings posted in or about the areas described in subsection (d) herein;

(3) Travel at a speed in excess of 10 miles per hour within the areas described in subsection (d) herein.

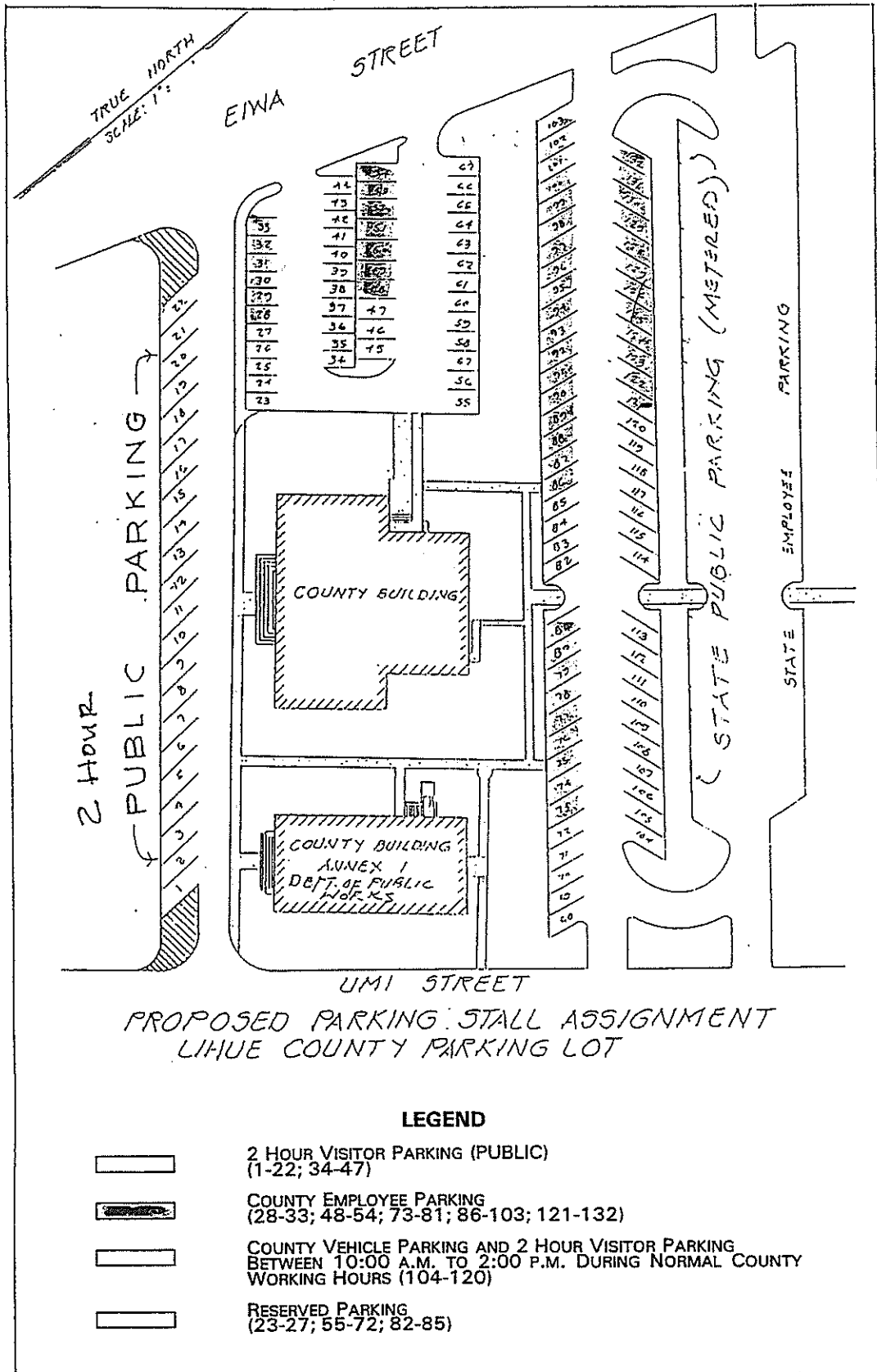
(c) Members of the police department and other persons authorized by the chief of police are authorized to remove or cause to be removed any vehicle parked within the areas described in subsection (d) herein when:

(1) Such vehicle does not display the required decal evidencing the issuance of a parking permit by the County Engineer or his authorized representative;

(2) Such vehicle is not parked wholly within a designated stall and straddles an adjoining stall.

(d) Except as specified otherwise by appropriate signs and/or markings, the County Engineer is authorized and directed to designate by appropriate signs and/or markings all parking areas described below for the exclusive use of officials and employees of the County and appointed members of boards and commissions. The County Engineer is authorized to issue permits for assigned and unassigned parking near the County Building and Civic Center and more fully described in Exhibits "A" and "B."





(Ord. No. 625, May 12, 1993)

**ARTICLE 11. STOPPING FOR LOADING OR UNLOADING ONLY**

**Sec. 16-11.1 Standing In Loading Zones For Loading Or Unloading Only.**

(a) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to the passenger curb loading zones are effective, and then only for a period not to exceed three (3) minutes.

(b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of freight in any place marked as a freight curb loading zone during the hours of 7:00 A.M. to 4:00 P.M., Mondays to Saturdays, inclusive, except on holidays. In no case shall the stop for loading and unloading of freight exceed thirty (30) minutes.

(c) Whenever any curb markings are to be used to designate loading zones, the markings shall be yellow in color.

(d) The County Council of the County of Kauai shall establish, mark and designate, relocate, or abolish any loading or unloading zone where there is an apparent need therefor. (Ord. No. 134, January 19, 1968; Sec. 16-11.1, R.C.O. 1976)

**Sec. 16-11.2 Prohibited Parking Within Loading Or Unloading Zone.**

When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle any longer than is reasonably necessary to take on or discharge freight, between the hours indicated on the signs of any day, except Sundays, public holidays and Saturday afternoons. (Ord. No. 134, January 19, 1968; Sec. 16-11.2, R.C.O. 1976)

**Sec. 16-11.3 Boarding Or Alighting From Any Vehicle And Use Of Vehicle Doors.**

No person shall board or alight from any vehicle while the vehicle is in motion, and no person shall open the door of a motor vehicle on the side toward moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door of a vehicle open on the side toward moving traffic for a period of time longer than necessary to load or

unload passengers. (Ord. No. 134, January 19, 1968; Sec. 16-11.3, R.C.O. 1976)

**ARTICLE 12. STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS OR AREAS; EXCEPTIONS**

**Sec. 16-12.1 Time Limit Parking.**

(a) When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle for a period of time longer than that indicated on the sign between the hours of 7:00 A.M. and 6:00 P.M., unless otherwise provided by law, on any day except Sundays and public holidays upon any of the places so designated within the County of Kauai.

(b) In construing Section 16-12.1(a), a vehicle in a limited time parking area moved less than fifty (50) feet during the limited parking period shall be deemed to have remained stationary. (Ord. No. 134, January 19, 1968; Sec. 16-12.1, R.C.O. 1976)

**Sec. 16-12.2 Taking On Or Discharging Passengers Or Freight.**

When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle any longer than is reasonably necessary to take on or discharge passengers or freight upon streets. (Ord. No. 134, January 19, 1968; Sec. 16-12.2, R.C.O. 1976)

**Sec. 16-12.3 Prohibited Uses Of Parked Vehicles Between 8:00 P.M. And 6:00 A.M.; Definitions And Exceptions.**

(a) No person shall use any vehicle, including a house car, a camper or trailer coach, for purpose of human habitation, whether or not the vehicle is designed or equipped for that purpose, while the vehicle is parked on any public highway as defined in Section 264-1, H.R.S., or other public places on the County of Kauai between the hours of 8:00 P.M. and 6:00 A.M. daily or while the vehicle is parked on private property without written authorization of the property owner or occupant authorizing both the parking of the vehicle there and its use for purposes of human habitation.

(b) As used in this Section:

(1) "Camper" means a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

(2) "House car" means a motor vehicle originally designed or permanently or temporarily altered and equipped for human habitation, or to which a camper has been permanently or temporarily attached.

(3) "Purposes of human habitation" means use as a place, living abode or sleeping place.

(4) "Trailer coach" means a structure designed to be drawn by a motor vehicle for human habitation, or human occupancy, for carrying persons or property on its own.

(c) This Section does not apply to the parking of vehicles and their use for purposes of human habitation in parks, camps and other designated County recreational areas in compliance with law and applicable rules, under emergency conditions in the interest of vehicular safety, and for persons parked for purposes of fishing.

(d) Any person who violates this Section shall be subject to the penalties provided in Section 291C-161, H.R.S. (Ord. No. 161, June 21, 1972; Sec. 16-12.3, R.C.O. 1976)

#### Sec. 16-12.4 Parking For Persons With Disabilities.

(a) Notwithstanding any other provision of this Traffic Code relating to the parking of motor vehicles, a motor vehicle either operated by the person with a disability, as hereinafter defined, or by the spouse or attendant of such person with a disability, shall be entitled to park or leave the vehicle standing in any public parking space, area or zone, or any private parking space as applied for by the owner, properly marked by the owner or authorized party with appropriate signs and markings, without payment of any parking charge and in excess of any limitation of time established for the parking space, area or zone when it is otherwise lawful to do so, and further, shall be entitled to park the vehicle in any loading area or zone for a period of time not to exceed one-half (1/2) hour, provided that the following requirements are complied with:

(1) "Person with a disability" is a person with a disability as defined in Hawaii Revised Statutes, Section 291-51, and Section 11-219-4, Hawaii Administrative Rules.

(2) The person with a disability shall carry on his person, for exhibition to any police officer upon request, a card issued by the Director of Finance properly identifying the person with a disability and bearing a certification by the Director of Finance that the person has qualified as a person with a disability within the meaning of this Section.

(3) A special parking permit issued by the Director of Finance shall be displayed in a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror or on the dashboard when there is no rearview mirror, by the person with a disability at all times when so parked or standing as permitted.

(4) No vehicle shall be entitled to the parking privileges provided in this Section unless the vehicle is personally operated by the person



with a disability himself, or is actually being used to transport the person with a disability. The identification card and the parking permit provided in this Section shall be non-transferable.

(5) The special parking permit and the identification card shall be subject to re-application and review by the Director of Finance every four (4) years. The renewal requirements shall be identical to those governing the initial application as provided in Sections 11-219-5 and 11-219-6 of the Hawaii Administrative Rules, except that the required documents and applicable fee(s) may be transacted by mail.

(b) The fees for the issuance of removable windshield placards shall be charged in accordance with the provisions established in Hawaii Administrative Rules Sections 11-219-6 and 11-219-7.

(c) An unauthorized person using the identification card or parking permit shall be guilty of a parking violation and subject to the penalties provided by law.

(d) For the purposes of this Section, a valid and effective disabled parking placard or permit issued by a jurisdiction in which the person with a disability resides and on which is depicted the international symbol of access for the handicapped shall be deemed a disabled parking placard issued by the County. For purposes of this Section, a valid and effective disabled identification card issued by a jurisdiction in which the person with a disability resides, or a valid and effective official identification card of a jurisdiction in which the person with a disability resides which identifies the person with a disability as the person to whom the disabled parking placard or permit was issued, shall be deemed a disabled identification card issued by the County. For purposes of this Section "jurisdiction" includes any foreign country or political subdivision thereof, and any state, territory, commonwealth, trust territory, or possession of the United States and any political subdivision of any of them.

(e) Any person who meets the definition of medical eligibility under this section, but is not expected to have a disability that is expected to last for at least four years, may be issued a temporary permit for a period up to six (6) months. Temporary permits may be renewed for an additional six (6) month period as long as the person continues to meet the definition of medical eligibility under this section.

(f) Parking Spaces Reserved For Persons with Disabilities.

(1) Parking Spaces Reserved for Persons with Disabilities shall have the same meaning as the terms defined in Hawaii Revised Statutes, Section 291-51, and Section 11-219-4, Hawaii Administrative Rules.

(2) Parking spaces reserved for persons with disabilities shall be used solely for parking and standing of motor vehicles by persons with disabilities, or by other persons in connection with the transportation of persons with disabilities, provided that the following requirements are complied with:

(a) The person with a disability shall carry on his person and present to any enforcement officer upon request, a current disabled identification card issued to that person by the Director of Finance; and

(b) The special parking permit issued by the Director of Finance shall be displayed in a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror, or on the dashboard when there is no rearview mirror, at all times when the special parking privileges are desired.

(3) No motor vehicle may be parked in or be caused to stand in a parking space reserved for persons with disabilities except as permitted herein.

(4) Any motor vehicle which is parked or standing in a parking space reserved for persons with disabilities and in which a special parking permit is not displayed as required herein, may be removed from the parking space and towed away at the registered owner's expense. In addition, any person who shall park a motor vehicle or cause it to stand in a parking space reserved for persons with disabilities in violation of this section shall be subject to a fine of not less than \$250 and not more than \$500. (Ord. No. 252, June 4, 1975; Sec. 16-12.4, R.C.O. 1976; Ord. No. 478, July 11, 1985; Ord. No. 508, October 22, 1987; Ord. No. 552, March 23, 1989; Ord. No. 672, January 18, 1995; Ord. No. 694, July 31, 1995; Ord. No. 791, October 1, 2002)

**Sec. 16-12.5 Volunteer Accessible Parking Enforcement Pilot Project.**

(a) Definitions. For the purposes of this section:

"Department" means the Kauai Police Department.

"Volunteer" means a person who is willing to provide services on behalf of the County without any compensation.

(b) Volunteer accessible parking enforcement pilot project.

(1) There is established within the department, and under the supervision of the Chief of Police or the Chief's designee, a pilot project to utilize volunteers to assist the department in enforcing the County, State, and Federal accessible parking laws.

(2) The Chief of Police is authorized to appoint part-time, non-commission status, unpaid volunteers as

special accessible parking officers to issue citations on public and private property to persons violating County, State, or Federal accessible parking laws. Any special accessible parking officer, who must be at least eighteen (18) years old, is authorized to issue citations if such officer witnesses a violation of County, State, or Federal accessible parking laws or has probable cause to believe that a person has violated such laws.

(3) The Chief of Police or the Chief's designee shall:

(A) Establish minimum qualifications for persons wishing to volunteer their services to become special accessible parking officers and application procedures for volunteers;

(B) Provide a required training program for volunteers that shall include, but not be limited to:

(i) Knowledge of County, State, and Federal accessible parking laws;

(ii) Identifying violators and issuing citations;

(iii) use of communication and other necessary equipment, such as cellular phones;

(iv) Procedures to follow in the event of confrontations with suspected violators; and

(v) Providing testimony in court to enforce citations;

(C) Appoint volunteers who have successfully completed the training program and who are qualified, as determined by the Chief of Police, to become special accessible parking officers; and

(D) Provide for supervision and monitoring of the special accessible parking officers while such officers are on duty;

(4) Each special accessible parking officer shall agree to:

(A) Work a minimum number of hours per week, as determined by the Chief of Police or the Chief's designee;

(B) Serve at locations designated by the Chief of Police or the Chief's designee; and

(C) Serve without any compensation.

(5) The Chief of Police may refuse to appoint any volunteer whose qualifications are found to be unacceptable to the Chief and may revoke the appointment of any volunteer whose performance is found to be unacceptable to the Chief.

(6) The Chief of Police shall adopt rules to implement this pilot project.

(c) Report on pilot project. The department shall submit a report to the Council at the end of each year after the implementation of the pilot project regarding the cost-effectiveness of the project. The project shall include:

(1) A list of the equipment and supplies used by the department for the project;

(2) The number of department personnel used and the hours expended for the training and supervision of volunteers;

(3) A list of any other department resources used to implement the project;

(4) The number of volunteers participating in the project; and

(5) The number of citations issued during the year by location. The final report shall be submitted to Council sixty days before termination of the project for Council to consider in evaluating whether or not to extend the project for additional year(s).

(d) The pilot project shall commence upon approval and terminate one year thereafter. (Ord. No. 796, November 20, 2002)

**ARTICLE 13. PARKING OR OPERATION OF MOTOR VEHICLES WITHIN  
PUBLIC PARKS, SCHOOL GROUNDS OR ON  
FEDERAL-AID HIGHWAYS RESTRICTED**

**Sec. 16-13.1 Parking Of Vehicles On Roadways Within Public Parks Or Public School Grounds.**

(a) No person shall park a vehicle on any roadway within public parks and public school grounds in a manner that leaves available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.

(b) No person shall stop, park or leave standing a vehicle on any roadway within public parks and public school grounds other than parallel with the edge of the roadway heading in the direction of traffic and with the right-hand wheels of the vehicle within twelve (12) inches of the curb line or edge of the roadway, except upon those roadways which have been marked or signed for angle parking, upon which roadways vehicles shall be parked at the angle to the curb indicated by marks or signs.

(c) Wherever parking stalls for the parallel or angle parking of motor vehicles are marked off and designated on any roadway or in any parking area within public parks and public school grounds, each parking stall shall extend in width eight (8) feet and shall extend in length approximately twenty-two (22) feet. The driver of any vehicle, excepting only single vehicles of a greater length or width, shall park the vehicle completely within the parking stall. (Ord. No. 134, January 19, 1968; Sec. 16-13.1, R.C.O. 1976)

**Sec. 16-13.2 Unlawful Parking On Roadways Within Public Parks Or Public Schools.**

No person shall park a vehicle on any roadway or in any parking area within a public park or public school grounds for the purpose of:

(1) Displaying the vehicle for sale.

(2) Washing, greasing or repairing the vehicle except minor repairs necessitated by an emergency. (Ord. No. 134, January 19, 1968; Sec. 16-13.2, R.C.O. 1976)

**Sec. 16-13.3 Operation Of Motor Vehicles On Public Park Grounds Or School Grounds.**

No person shall drive a motor vehicle upon any public park or school grounds except under the following circumstances:

(1) County employees engaged in the care and maintenance of public parks and school grounds.

(2) Authorized emergency vehicles used to pick up and transport injured persons within the public park or school grounds.

(3) Vehicles being operated that have a direct bearing with any lawful activity carried on within the public park or school grounds.

(4) Where the Chief of Police has designated a specific area where parking of motor vehicles is permitted for any lawful event that is being carried on within the public park or school grounds.

(5) Any person who has a lawful camping permit designating the vehicle to be used at the camping grounds. (Ord. No. 134, January 19, 1968; Sec. 16-13.3, R.C.O. 1976)

**Sec. 16-13.4 Restricted Parking On Federal-Aid Highways.**

(a) No person shall park a vehicle within any off-street parking area of the federal-aid highway system from the hour of 1:00 A.M. to the hour of 6:00 A.M. of any day; subject to the exemptions granted authorized emergency vehicles, pursuant to Section 291C-26, H.R.S.

(b) No person shall park a vehicle within any off-street parking area for a period of time longer than two (2) hours from the hour of 6:00 A.M. to the hour of 1:00 A.M. of any day.

(c) No person shall further park a vehicle within any off-street parking area for the purpose of:

(1) Displaying the vehicle for sale.

(2) Washing, greasing, wiping or repairing the vehicle except minor repairs necessitated by an emergency.

(d) The State Director of Transportation shall install appropriate signs identifying the off-street parking areas and indicating their restricted use for parking only. (Ord. No. 134, January 19, 1968; Sec. 16-13.4, R.C.O. 1976)

**ARTICLE 14. BUSES; BUS STOPS**

**Sec. 16-14.1 Buses Not Permitted To Stand Or Park Except In Officially Designated Bus Stops.**

(a) The driver of a bus shall not stand or park a bus upon any street for the purpose of loading or unloading



passengers at any place within any Business or Residential District other than at an officially designated bus stop, except:

(1) The Chief of Police may permit and direct the parking of buses at places other than officially designated bus stops when large assemblages of people create an unusually heavy demand for mass transportation facilities.

(2) Any bus engaged primarily in the transportation of elderly and disabled persons may stop and load or unload disabled and elderly persons at places other than marked 'bus stops' that may be safe and convenient for these persons. The term 'bus' shall be as defined in Section 291C-1, H.R.S. (Ord. No. 134, January 19, 1968; Ord. No. 328, September 26, 1977; Sec. 16-14.1, R.C.O. 1976; Sec. 16-14.1, 1978 Cumulative Supplement)

#### Sec. 16-14.2 Other Vehicles Not To Be Parked, Stopped Or Permitted To Stand In Bus Stops.

No person shall stop, stand or park a vehicle, other than a bus, in a bus stop when the bus stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when the stopping does not interfere with any bus which has entered or is waiting to enter the bus stop. (Ord. No. 134, January 19, 1968; Sec. 16-14.2, R.C.O. 1976; Ord. No. 731, March 2, 1999)

### ARTICLE 15. PEDESTRIAN'S RIGHTS AND DUTIES

#### Sec. 16-15.1 Blind And Crippled Pedestrian's Right Of Way.

Except at intersections where the movement of traffic is being regulated by police officers, the driver of a vehicle shall come to a stop and take precautions as may be necessary before proceeding so as to avoid injury to a crippled pedestrian using crutches, or to a blind or partially blind pedestrian carrying in full view a cane, white in color or white with red ends, or accompanied by a seeing-eye dog, and blowing continually a whistle similar to the type of whistle used by traffic officers. The failure of any blind pedestrian to signal shall not deprive him the right of way accorded him by other provisions of this Chapter. (Ord. No. 134, January 19, 1968; Sec. 16-15.1, R.C.O. 1976)

#### Sec. 16-15.2 Pedestrians Soliciting Rides.

No person shall stand in the roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle but in no event shall the person solicit a ride, employment or business in an area where the vehicle stopping shall impede or endanger the normal flow of traffic. (Ord. No. 134, January 19, 1968; Sec. 16-15.2, R.C.O. 1976)

ARTICLE 16. OPERATION OF BICYCLES AND OTHER PLAY VEHICLES,  
CARTS, MOTORCYCLES AND MOTORSCOOTERS

Sec. 16-16.1 License Required.

No person, who resides within the County of Kauai, shall ride or propel a bicycle on any street, highway, alley, roadway, sidewalk, or upon any public path set aside for the exclusive use of bicycles unless the bicycle has been licensed and a license plate is attached thereto as provided in Section 16-16.2 of this Article. (Ord. No. 134, January 19, 1968; Sec. 16-16.1, R.C.O. 1976)

Sec. 16-16.2 Attachment Of License Plate.

The license plate shall be firmly attached to the rear mudguard or frame of the bicycle for which it is issued in a position as to be plainly visible from the rear. (Ord. No. 134, January 19, 1968; Sec. 16-16.2, R.C.O. 1976)

Sec. 16-16.3 Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building and in a manner as to afford the least obstruction to pedestrian traffic. (Ord. No. 134, January 19, 1968; Sec. 16-16.3, R.C.O. 1976)

Sec. 16-16.4 Riding On Sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The County Engineer may erect official signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when the signs are in place no person shall disobey the signs.

(c) Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian. (Ord. No. 134, January 19, 1968; Sec. 16-16.4, R.C.O. 1976)

Sec. 16-16.5 Riding Two Abreast Prohibited.

It shall be unlawful for operators of motorcycles or motorscooters to ride two (2) abreast or more on any roadway. (Ord. No. 134, January 19, 1968; Sec. 16-16.5, R.C.O. 1976)



**Sec. 16-16.6 Use Of Coasters, Roller Skates And Other Play Vehicles On Roadways Prohibited.**

It shall be unlawful for persons to ride any coasters, roller skates, skateboards, or other similar devices on any roadway or on any sidewalk in a business district. (Ord. No. 134, January 19, 1968; Sec. 16-16.6, R.C.O. 1976)

**Sec. 16-16.7 Mopeds Prohibited From Designated Bicycle Lanes And Bicycle Paths.**

It shall be unlawful for any person to operate a moped upon any bicycle lane or bicycle path so restricted and posted. (Ord. No. 390, July 31, 1980)

**ARTICLE 17. EQUIPMENT**

**Sec. 16-17.1 Scope And Effect Of Regulations.**

(a) It is a misdemeanor for any person to drive or move or for the registered owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in an unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this Article, or for any person to do any act required under this Article.

(b) Nothing contained in this Article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Article.

(c) The provisions of this Article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as made applicable in this Article. (Ord. No. 134, January 19, 1968; Sec. 16-17.1, R.C.O. 1976)

**Sec. 16-17.2 New Motor Vehicles To Be Equipped With Reflectors.**

(a) Every new motor vehicle sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors meeting the requirements set forth in this Article, except that vehicles of the type mentioned in Section 16-17.4 shall be equipped with reflectors as required therein.

(b) Every reflector shall be mounted on the motor vehicle at a height not less than twenty-four (24) inches nor more than sixty (60) inches above the ground on which the vehicle stands and shall be of size and characteristics and so maintained as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from the vehicle, except that visibility from a greater

distance is required of reflectors on certain types of vehicles. (Ord. No. 134, January 19, 1968; Sec. 16-17.2, R.C.O. 1976)

**Sec. 16-17.3 Application Of Succeeding Sections.**

The sections immediately following relating to clearance and marker lamps, reflectors, and stop lights shall apply as stated in those sections to vehicles of the type therein enumerated, and vehicles, when operated upon any highway, shall be equipped as required and all lamp equipment required shall be lighted from thirty (30) minutes after sunset until thirty (30) minutes before sunrise, except that clearance and side marker lamps need not be lighted on any vehicles when operated in the County of Kauai where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet. (Ord. No. 134, January 19, 1968; Sec. 16-17.3, R.C.O. 1976)

**Sec. 16-17.4 Additional Equipment Required On Certain Vehicles.**

In addition to other equipment required in this Article, the following vehicles shall be equipped as stated in this Section under the conditions stated in Section 16-17.3.

(1) On every bus or truck, whatever its size, there shall be the following: On the rear, two (2) reflectors, one (1) at each side, and one (1) stop light.

(2) On every bus or truck eighty (80) inches or more in overall width, in addition to the requirements in Subsection (1):

(A) On the front, two (2) clearance lamps, one (1) at each side.

(B) On the rear, two (2) clearance lamps, one (1) at each side.

(C) On each side, two (2) marker lamps, one (1) at or near the front and one (1) at or near the rear.

(D) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(3) On every truck tractor:

(A) On the front, two (2) clearance lamps, one (1) at each side.

(B) On the rear, one (1) stop light.

(C) All such trucks which are not used for night work are hereby exempted from these requirements, and the Chief of Police is authorized to issue restricted stickers for the prohibition of all trucks from use during the hours of darkness.

(4) On every trailer or semi-trailer having a gross weight in excess of three thousand (3,000) pounds:

(A) On the front, two (2) clearance lamps, one (1) at each side.

(B) On each side, two (2) marker lamps, one (1) at or near the front and one (1) at or near the rear.

(C) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

(D) On the rear, two (2) clearance lamps, one (1) at each side, also two (2) reflectors, one (1) at each side, and one (1) stop light.

(5) On every pole trailer in excess of three thousand (3,000) pounds gross weight:

(A) On each side, one (1) side marker lamp and one (1) clearance lamp which may be in combination, to show to the front side and rear.

(B) On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.

(6) On every trailer, semi-trailer, or pole trailer weighing three thousand (3,000) pounds gross or less:

(A) On the rear, two (2) reflectors, one (1) on each side. If any trailer or semi-trailer is so loaded or is of dimensions that obscure the stop light on the towing vehicle, then that vehicle shall also be equipped with one (1) stop light.

(Ord. No. 134, January 19, 1968; Sec. 16- 17.4, R.C.O. 1976)

#### **Sec. 16-17.5 Color Of Clearance Lamps, Side Marker Lamps, And Reflectors.**

(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the sides near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except the light illuminating the license plate or the light emitted by a back-up lamp, which shall be predominately white. (Ord. No. 134, January 19, 1968; Sec. 16-17.5, R.C.O. 1976)

#### **Sec. 16-17.6 Mounting Of Reflectors, Clearance Lamps And Side Marker Lamps.**

(a) Reflectors shall be mounted at a height not less than twenty-four (24) inches and not higher than sixty (60)

inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four (24) inches the reflector at that point shall be mounted as high as that part of the permanent structure will permit.

(1) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(2) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all the other reflector requirements of this Article.

(b) Clearance lamps shall be mounted on the permanent structure of the vehicle in a manner so as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given with reference to both. (Ord. No. 134, January 19, 1968; Sec. 16-17.6, R.C.O. 1976)

#### **Sec. 16-17.7 Visibility Of Reflectors, Clearance Lamps, And Marker Lamps.**

(a) Every reflector upon any vehicle referred to shall be of sizes and characteristics and so maintained as to be readily visible at night time from all distances within three hundred (300) feet to fifty (50) feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at a distance of two hundred (200) feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions, at the times lights are required, at a distance of two hundred (200) feet from the side of the vehicle on which it is mounted. (Ord. No. 134, January 19, 1968; Sec. 16-17.7, R.C.O. 1976)

#### **Sec. 16-17.8 Stop Lamps Required On New Motor Vehicles.**

It shall be unlawful for any person to sell any new motor vehicle in the County of Kauai or for any person to drive any new motor vehicle on the highways unless it is equipped with a stop lamp meeting the requirements mentioned in this Article. (Ord. No. 134, January 19, 1968; Sec. 16-17.8, R.C.O. 1976)

**Sec. 16-17.9 Lamps On Parked Vehicles.**

Whenever a vehicle is parked or stopped on a street during the time between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, there shall be displayed upon the rear thereof a red light visible not less than two hundred (200) feet from the rear thereof, provided, that no lights need be displayed upon any vehicle when there shall be attached upon the rear of the vehicle a red reflector so maintained as to be visible from all distances within three hundred (300) feet to fifty (50) feet from the vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-17.9, R.C.O. 1976)

**Sec. 16-17.10 Spot Lamps.**

No vehicle, other than the authorized emergency vehicles mentioned in this Chapter, shall use any spot light while in motion upon any street or highway within the County of Kauai. (Ord. No. 134, January 19, 1968; Sec. 16-17.10, R.C.O. 1976)

**Sec. 16-17.11 Auxiliary Driving Lamps.**

A motor vehicle may be equipped with not more than three (3) auxiliary driving lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands, and every auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this Article. (Ord. No. 134, January 19, 1968; Sec. 16-17.11, R.C.O. 1976)

**Sec. 16-17.12 Signal Lamps And Signal Devices.**

(a) Any motor vehicle may be equipped and when required under this Article shall be equipped with the following signal lamps or devices:

(1) A stop lamp or lamps on the rear which shall emit a red light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

(2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of one hundred (100) feet to the rear both during normal sunlight and at nighttime, and a signal lamp or lamps indicating an intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred (100) feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, the lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self--illuminated when in use during the time between thirty (30) minutes after sunset and thirty (30) minutes before sunrise. (Ord. No. 134, January 19, 1968; Sec. 16-17.12, R.C.O. 1976)

**Sec. 16-17.13 Additional Lighting Equipment.**

(a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) A motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp; but the back-up lamp shall not be lighted when the motor vehicle is in forward motion. (Ord. No. 134, January 19, 1968; Sec. 16-17.13, R.C.O. 1976)

**Sec. 16-17.14 Head Lamps.**

(a) Every motor vehicle operated upon a highway other than a motorcycle or motorized scooter or bicycle, shall be equipped with at least two (2) multiple or single beam head lamps, one (1) at each side of the front thereof, which shall conform to the requirements and limitations prescribed in this Article, provided that the provisions of this Subsection shall not apply to trucks with restrictive stickers as prescribed in Section 16-17.4.

(b) Every motorcycle, motorscooter or other similar vehicles operated upon a highway shall at all times be equipped with at least one (1) and not more than two (2) multiple or single beam head lamps on the front thereof, which shall conform to the requirements and limitations prescribed in this Article. (Ord. No. 134, January 19, 1968; Sec. 16-17.14, R.C.O. 1976)

**Sec. 16-17.15 Multiple-Beam Road-Lighting Equipment.**

Except as provided in this Article, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, subject to the following requirements and limitations:

(1) There shall be an uppermost distribution of lights or composite beam, so aimed and of sufficient intensity so as to reveal persons and vehicles at a distance of at least two hundred (200) feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed that:

(A) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five (25) feet ahead, project higher than a level of eight (8) inches below the level of the center of the lamp from which it comes.

(B) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the right of the prolongation of the extreme right side of the vehicle shall, at a distance of twenty-five (25) feet ahead, project higher than a level of three (3) inches below the level of the center of the lamp from which it comes.

(C) In no event shall any of the high-intensity of the lowermost distribution of light or composite beam project higher than a level of forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

(3) Where one (1) intermediate beam is provided, the beam on the left side of the road shall be in conformity with Subsection (2)(A).

(4) All road-lighting beams shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead.

(5) Every new motor vehicle registered in the County of Kauai, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(Ord. No. 134, January 19, 1968; Sec. 16-17.15, R.C.O. 1976)

#### **Sec. 16-17.16 Use Of Multiple-Beam Road-Lighting Equipment.**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the time between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, the driver shall use distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected

into the eyes of the oncoming driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

(2) The lowermost distribution of light specified shall be deemed to avoid glare at all times, regardless of road contour and loading. (Ord. No. 134, January 19, 1968; Sec. 16-17.16, R.C.O. 1976)

**Sec. 16-17.17 Single-Beam Road-Lighting Equipment.**

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after December 31, 1948, in lieu of multiple-beam road lighting equipment as specified in this Article if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet. (Ord. No. 134, January 19, 1968; Sec. 16-17.17, R.C.O. 1976)

**Sec. 16-17.18 Number Of Driving Lamps Permitted.**

Whenever a motor vehicle equipped with head lamps as required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any of the lamps on the front of a vehicle shall be lighted at any one time when upon a highway. (Ord. No. 134, January 19, 1968; Sec. 16-17.18, R.C.O. 1976)

**Sec. 16-17.19 Obstructed Lights Not Required.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, need not be lighted, but this shall not affect the requirement that lighted clearance



Lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (Ord. No. 134, January 19, 1968; Sec. 16-17.19, R.C.O. 1976)

**Sec. 16-17.20 Head Lamps On Motorized Scooters.**

Every motorized scooter or motorized bicycle, at all times specified in Section 291-25 H.R.S. shall be equipped with at least one (1) and not more than two (2) lighted head lamps so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred (100) feet ahead of the vehicle. The head lamps may be of the single beam type provided that the power supply and the complete electrical system of the vehicle shall be adequate to provide two thousand five hundred (2,500) candlepower illumination. (Ord. No. 134, January 19, 1968; Sec. 16- 17.20, R.C.O. 1976)

**Sec. 16-17.21 Special Restrictions On Lamps.**

(a) Any lighted lamp or illuminating device upon a motor vehicle which projects a beam of light of an intensity greater than three hundred (300) candlepower, other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp, reflector, or other device thereon displaying a red or green light visible to any driver or pedestrian upon the highway ahead of the vehicle or equipment. The foregoing provisions shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on any motor vehicle, except on authorized emergency vehicles, authorized mechanical street sweepers, escort and other vehicles mentioned in Section 16-19.7, authorized maintenance vehicles, authorized tow vehicles, and a vehicle using flashing lights as means for indicating right or left turn. For the purposes of this Section the word "authorized" vehicles are publicly owned and other publicly or privately owned vehicles as are designated by the County Council.

(d) No person shall drive or move any vehicle or equipment upon any highway with any lamp or other device thereon emitting flashing light. The foregoing prohibition, however, shall not apply to:

- (1) An authorized emergency vehicle.
- (2) An authorized mechanical street sweeper.
- (3) A vehicle using a light as a means for indicating a right or left turn.

(4) A vehicle using an amber flashing light when escorting, carrying, transporting or drawing equipment or loads of excessive width as mentioned in Section 16-19.7.

(5) Authorized maintenance vehicles, authorized tow vehicles and those vehicles participating in a funeral procession required to display flashing amber lights shall be permitted the use of flashing amber lights when answering emergency calls or when actually engaged in construction or maintenance work or in towing vehicles, or when participating in a funeral procession. Those authorized vehicles shall be subject at all times to all traffic laws, rules and regulations. (Ord. No. 134, January 19, 1968; Sec. 16- 17.21, R.C.O. 1976)

#### **Sec. 16-17.22 Selling Or Using Lamps Or Devices.**

(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer or use upon any vehicle head lamp, auxiliary driving lamp, rear lamp, signal lamp, or reflector which is required or parts of any of the foregoing which tend to change the original design or performance, unless the lamp or reflector is of the type which has been submitted to the Chief of Police and approved by him.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semi-trailer any lamp or device mentioned in this Article which has been approved by the Chief of Police unless the lamp or device bears thereon the trademark or name under which it is approved and the trademark or name is legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semi-trailer, any lamps mentioned in this Article unless those lamps are equipped with bulbs of a rated candlepower and are so mounted and adjusted as to focus and aim in accordance with the instructions of the Chief of Police. (Ord. No. 134, January 19, 1968; Sec. 16-17.22, R.C.O. 1976)

#### **Sec. 16-17.23 Brake Equipment Required.**

(a) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(b) Every motorcycle and bicycle with motor attached, when operated upon a highway shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(c) Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle. The brakes shall be so designed as to be capable of being applied by the driver of the towing motor vehicle from its cab. Further, the brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.

(d) Every new motor vehicle, trailer, semi-trailer, except any motorcycle, sold or built in the County of Kauai and operated on the highways of the County of Kauai shall be equipped with service brakes upon all wheels of every vehicle, and except that any motorcycle, semi-trailer of less than one thousand five hundred (1,500) pounds gross weight, and any trailer designed and used exclusively for transporting a boat that is launched from the trailer directly into the water need not be equipped with brakes, provided that the gross weight of the towing or pulling vehicle shall not weigh less than eighty per cent (80%) of the gross weight of the towed boat and trailer.

(e) In any combination of motor-drawn vehicles means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer wheels equipped with brakes; or both of the above means capable of being used alternatively, may be employed.

(f) One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading or any up or down grade upon which it is operated.

(g) The brake shoes operating within or upon the drums on the vehicle wheels or any vehicle may be used for both service and hand operation. (Ord. No. 134, January 19, 1968; Ord. No. 245, May 9, 1975; Sec. 16-17.23, R.C.O. 1976)

#### **Sec. 16-17.24 Performance Ability Of Brakes.**

Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading or being stopped on a dry, smooth, approximately level road, free from loose material upon application of the service (foot) brake, within the

distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to those distances:

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels . . . . .	30	14
Vehicles or combinations of vehicles not having brakes on all wheels . . . . .	40	10.8

(Ord. No. 134, January 19, 1968; Sec. 16-17.24, R.C.O. 1976)

**Sec. 16-17.25 Maintenance Of Brakes.**

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicles. (Ord. No. 134, January 19, 1968; Sec. 16-17.25, R.C.O. 1976)

**Sec. 16-17.26 Horns And Warning Devices.**

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation give audible warning with his horn, but shall not otherwise use the horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell except as otherwise permitted in this Section.

(c) Any authorized emergency vehicle may be equipped with a siren, horn, whistle, or bell, capable of emitting sound audible under normal conditions of not less than five hundred (500) feet of a type approved by the Chief of Police, but the siren, horn, whistle, or bell shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which case, the driver of the emergency vehicle shall sound the siren, horn, whistle, or bell to warn pedestrians and other drivers of the approach thereof. Any emergency vehicle may be equipped with a red blinker light.

(d) Any truck used to haul dirt, sand, rock, concrete, merchandise, farm produce, or other articles or materials which are bulky in nature may be equipped with a horn, whistle, or bell in the rear thereof, capable of emitting a

sound audible under normal conditions from a distance of not less than two hundred (200) feet; the warning device, however, to be sounded only while the truck is backing up. (Ord. No. 134, January 19, 1968; Sec. 16-17.26, R.C.O. 1976)

**Sec. 16-17.27 Mufflers; Prevention Of Noise.**

(a) No person shall operate a motor vehicle on a public highway or street unless the motor vehicle is equipped at all times with a muffler or mufflers in constant operation of a length and size or of sufficient capacity for the motor and exhaust system to prevent the escape of excessive, unnecessary or annoying fumes or smoke, and excessive, unnecessary or unusually loud noises.

(b) No person shall operate a motor vehicle on a public highway or street with a motor or exhaust system which has been altered or modified to such an extent that the noise emitted by the motor and exhaust system thereof shall be deemed excessive, unnecessary or unusually loud, or equipped with a dummy muffler, cut-out, bypass or other similar device.

(c) No person shall accelerate or "rev-up" the engine of a motor vehicle on a public highway except under normal or emergency conditions, and in no event shall a person accelerate or "rev-up" an engine primarily for the purpose of emitting excessive, unnecessary, or unusually loud noises. The burden of proof rests upon the operator of the motor vehicle that the unreasonably loud or excessive noise was made under normal or emergency conditions.

(d) The making, creation or maintenance of excessive, unnecessary and unusually loud noises mentioned in this Section shall be deemed detrimental to the public health, comfort, safety, welfare and prosperity when the noises are prolonged, unusual and unnatural in their time, place and use. (Ord. No. 134, January 19, 1968; Sec. 16-17.27, R.C.O. 1976)

**Sec. 16-17.28 Rear Vision Mirror Required.**

Every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of two hundred (200) feet to the rear of the motor vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-17.28, R.C.O. 1976)

**Sec. 16-17.29 Windshields To Be Unobstructed And Equipped With Wiper.**

(a) No person shall drive any motor vehicle upon any highway while the windshield or rear window or window thereof are so obscured by foreign matters, stains, or defective lamination, or is so damaged or repaired, as to obscure the vision of the operator to a substantial degree.

(b) No person shall drive any motor vehicle with any nontransparent material or object suspended within the windshield area as viewed from the driver's seat, nor shall any person drive any motor vehicle upon the hood or radiator of which is attached any fixture or ornament of any material which vibrates, swings, or flutters within view of the driver of the vehicle.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(d) Posters or stickers approved by the Chief of Police shall be placed at the lower right hand corner of the front windshield of a left-hand driven motor vehicle or at the lower left-hand corner of the front windshield of a right-hand driven motor vehicle. However, those posters or stickers so placed shall not cover an area greater than four (4) inches by six (6) inches except for non-residence permits or for military requirements, in which case an additional area four and one-half (4 1/2) inches by six (6) inches may be used. As an option, a military sticker or non-residence permit not to exceed an area greater than four and one-half (4 1/2) inches by six (6) inches may be placed in the center, uppermost part of the front windshield as approved by the Chief of Police.

(e) Every windshield wiper upon a vehicle shall be maintained in good working order. (Ord. No. 134, January 19, 1968; Sec. 16-17.29, R.C.O. 1976; Ord. No. 497, February 12, 1987)

#### **Sec. 16-17.30 Windshield, Hood, Fenders And Bumpers On All Vehicles.**

Every motor vehicle upon a highway, excepting a motorcycle and motorscooter, shall be equipped with a windshield and hood. In addition, every motor vehicle upon a highway, excepting a motorcycle and motorscooter, shall be equipped with fenders for all wheels, and front and rear bumpers. Where the type of vehicle and the usage of the vehicle make the foregoing equipment impractical, the equipment may be eliminated upon approval of the Chief of Police. (Ord. No. 134, January 19, 1968; Sec. 16-17.30, R.C.O. 1976)

#### **Sec. 16-17.31 Mudguards Required.**

No person shall operate on any highway any motor vehicle, trailer, or semi-trailer unless equipped with fenders, covers, flares, mud flaps or splash aprons or unless the body of the vehicle covers the width of the tire tread for adequate protection to effectively protect against spray or splash of water, mud, rocks or other debris that could be propelled by the tires. (Ord. No. 134, January 19, 1968; Sec. 16-17.31, R.C.O. 1976, Ord. No. 745, January 18, 2000)

**Sec. 16-17.32 Certain Vehicles To Carry Flares Or Other Warning Devices.**

(a) No person shall operate any motor truck or truck tractor upon any unlighted highway at any time from thirty (30) minutes after sunset to thirty (30) minutes before sunrise unless there shall be carried in the vehicle the following equipment, except as provided in Subsection (b):

(1) At least three (3) flares or three (3) red electric lanterns each of which shall be capable of being seen and distinguished at a distance of five hundred (500) feet under normal atmospheric conditions at night time.

(A) Each flare (liquid-burning pot torch) shall be capable of burning for not less than twelve (12) hours in five (5) miles per hour wind velocity and capable of burning in any air velocity from zero (0) to forty (40) miles per hour. It shall be substantially constructed so as to withstand reasonable shocks without leaking and it shall be carried in the vehicles in a metal rack or box.

(B) Each red electric lantern shall be capable of operating continuously for not less than twelve (12) hours and shall be substantially constructed so as to withstand reasonable shocks without breaking.

(2) At least three (3) red burning fusees unless red electric lanterns are carried. Each fusee shall be capable of burning at least fifteen (15) minutes.

(3) At least two (2) red cloth flags, not less than twelve (12) inches square, with standards to support same.

(b) No person shall operate at the time and under the conditions stated in Subsection (a) any motor vehicle used in the transportation of flammable gases unless there shall be carried in the vehicle three (3) red electric lanterns meeting the requirements above stated, and there shall not be carried in the vehicle any flares, fusees, or signal produced by a flame.

(c) In the alternative, it shall be deemed a compliance with this Section in the event the person operating any motor vehicle described in this Article shall carry in the vehicle three (3) portable reflector units on standards of a type approved by the Chief of Police. No portable reflector unit shall be approved unless it is so designed and constructed that it will reflect red light clearly visible for a distance of at least three hundred (300) feet under normal atmospheric conditions at night time when directly in front of the lawful upper beams of head lamps. (Ord. No. 134, January 19, 1968; Sec. 16-17.32, R.C.O 1976)

**Sec. 16-17.33 Display Of Warning Devices When Vehicle Is Disabled.**

(a) Whenever any motor truck, truck tractor, trailer, semi-trailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway, except as provided otherwise in Subsection (b):

(1) A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.

(2) Within the burning period of the fusee and as promptly as possible three (3) lighted flares (pot torches) or three (3) electric lanterns shall be placed on the roadway as follows:

(A) One (1) at a distance of approximately one hundred (100) feet in advance of the vehicle, one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle; each in the center of the lane of traffic, occupied by the disabled vehicle; and one (1) at the traffic side of the vehicle approximately ten (10) feet rearward or forward thereof.

(b) Whenever any vehicle used in the transportation of flammable liquids in bulk or in the transportation of compressed flammable gases is disabled upon a highway at any time or place mentioned in Subsection (a), the driver of the vehicle shall display upon the roadway the following lighted warning devices:

(1) One (1) red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle and two (2) other electric lanterns shall be placed to the front and rear, respectively, of the vehicle in the manner prescribed in Subsection (a)(2).

(2) When a vehicle of the type specified in this Subsection is disabled, the use of flares, fusees, or any signal produced by flame as warning devices is prohibited.

(c) Whenever any vehicle of a type referred to in this Section is disabled upon the traveled portion of a highway or the shoulder thereof, at any time when the display of fusees, flares, or electric lanterns is not required, the driver of the vehicle shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one (1) at a distance of approximately one hundred (100) feet in advance of the vehicle, and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle.

(d) In the alternative, it shall be deemed a compliance with this Section in the event three (3) portable



reflector units on standards of a type approved by the Chief of Police are displayed at the times and under the conditions specified in this Section either during the day time or night time and the portable reflector units shall be placed on the roadway in the locations as described with references to the placing of electric lanterns and lighted flares.

(e) The flares, fuses, lanterns and flags to be displayed as required in this Section shall conform with the requirements as above. (Ord. No. 134, January 19, 1968; Sec. 16-17.33, R.C.O. 1976)

**Sec. 16-17.34 Display Of Warning Devices By Passenger Buses When Disabled.**

Whenever any passenger bus is disabled upon the traveled portion of any unlighted highway or the shoulder thereof at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the same warning devices upon the highway during the time the vehicle is so disabled on the highway as required to be displayed by drivers of motor trucks and truck tractors in Section 16- 17.32, except that in lieu of the warning devices the driver of a passenger bus may display the interior lights of the bus for as long a time as warning devices must be displayed. (Ord. No. 134, January 19, 1968; Sec. 16-17.34, R.C.O. 1976)

**Sec. 16-17.35 Vehicles Transporting Explosives And Flammable Liquids.**

(a) Every vehicle used for the transportation of any flammable liquid upon any public highway regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof in letters at least three (3) inches high on a background of sharply contrasting color as follows:

(1) With a sign or lettering on the vehicle with the word "Flammable;" or

(2) With the common name of the flammable liquid being transported; or

(3) With the name of the carrier or his trademark, when and only when the name of trademark plainly indicates the flammable nature of the load, provided that the foregoing provisions shall not apply to any vehicle used occasionally for personal delivery by the owner thereon for his private use.

(b) Every vehicle transporting any explosive as a cargo or part of a cargo upon any public highway shall be marked or placarded on each side and the rear with the word "EXPLOSIVES" in letters not less than eight (8) inches high, or there shall be displayed on the rear of the vehicle a red flag not less than twenty-four (24) inches square marked with the word "DANGER" in white letters six (6) inches high.

(c) Every vehicle used for the transportation of any explosive or flammable liquid upon any public highway shall be equipped with not less than two (2) fire extinguishers of a type approved by the Fire Chief of the County of Kauai, filled and ready for immediate use, and placed at a convenient point on the vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-17.35, R.C.O. 1976)

**Sec. 16-17.36 (Reserved.)**

**Sec. 16-17.37 Television In Motor Vehicles.**

No person shall drive a motor vehicle which is equipped with a television receiver screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. (Ord. No. 134, January 19, 1968; Sec. 16-17.37, R.C.O. 1976)

**ARTICLE 18. (RESERVED)**

**ARTICLE 19. WEIGHT, SIZE AND LOAD**

**Sec. 16-19.1 Projecting Loads On Vehicles.**

(a) Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of the load in a position as to be clearly visible at all times from the rear of the vehicle a red flag not less than twelve (12) inches both in length and width, except that between thirty (30) minutes after sunset and thirty (30) minutes before sunrise there shall be displayed at the end of the load a red light, visible under normal atmospheric conditions at least five hundred (500) feet from the rear of the vehicle.

(b) No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle or extending more than six (6) inches beyond the line of the fenders on the right side thereof.

(1) No surfboard with a projecting blade shall be carried on a vehicle in such a manner unless the blade is covered or other effective protective measure is taken and unless the surfboard is securely fastened to the vehicle. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C.O. 1971; Sec. 16-19.1, R.C.O. 1976)

**Sec. 16-19.2 Trailers And Towed Vehicles.**

When one (1) vehicle is towing another vehicle, or a trailer, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and the drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except that the connection may be longer between any two (2) vehicles transporting poles, pipes, machinery, or other objects of a structural nature as cannot readily be dismembered. (Ord. No. 134, January 19, 1968; Sec. 16-19.2, R.C.O. 1976)

**Sec. 16-19.3 Police Officers May Weigh Vehicles And Require Removal Of Excess Loads.**

(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the vehicle by means of either portable or stationary scales and may require that the vehicle be driven to the nearest public scales in the event the scales are within two (2) miles.

(b) Whenever an officer upon weighing a vehicle and load, as provided in Section 16-19.3(a), determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit



permitted under this Article. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing when directed by an officer or who fails or refuses to otherwise comply with the provisions of this Section, shall be guilty of a misdemeanor. (Ord. No. 134, January 19, 1968; Sec. 16-19.3, R.C.O. 1976)

#### **Sec. 16-19.4 Liability For Damage To Highway Or Structures.**

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damages for which the highway or structure may sustain as a result of any operation, driving or moving of any vehicle, object, or contrivance weighing in excess of the maximum weights prescribed in Section 291-35, H.R.S., but authorized by special permit as provided by law.

(b) Whenever the driver is not the owner of the vehicle, object or contrivance, but is so operating, driving or moving the vehicle, object or contrivance with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

(c) Damage may be recovered in a civil action brought by the authority in control of the highway or highway structure. (Ord. No. 134, January 19, 1968; Sec. 16-19.4, R.C.O. 1976)

#### **Sec. 16-19.5 Improper Use Of Roads And Bridges.**

(a) It shall be unlawful to operate any vehicle upon any street or highway in a manner that the parts of the vehicle, or the load carried thereon, shall damage the road.

(b) It shall be unlawful to operate any vehicle whose weight or aggregate weight with load exceeds the maximum weight requirement posted upon any bridge within this County.

(c) For the purpose of this Section, "damage to the road" shall be defined as the effect on the road or structures as will impair the riding qualities of the road, or require repairs in order that the anticipated life of the road or structures may not be decreased. The owner of any vehicle causing damage to a public highway shall be held responsible for all costs in restoring the highway to its conditions prior to the damage. (Ord. No. 134, January 19, 1968; Sec. 16-19.5, R.C.O. 1976)

#### **Sec. 16-19.6 Permit To Operate Equipment And Load Of Excessive Weight, Width Or Height.**

(a) No vehicle, equipment or other objects which do not meet the standards of weight, width, or height or other requirements mentioned in Section 291-34, H.R.S., and

Section 291-35, H.R.S., or loads in excess of nine (9) feet in width, shall be moved, transported or caused to be moved or transported over any public highway or street by any person, without a permit therefor issued by the Director of Transportation of the State of Hawaii, whenever State highways are involved, and by the County Engineer of the Department of Public Works, County of Kauai, whenever County highways are involved.

(b) All applications for permits required under this Section shall be made in writing to the Director of Transportation or the Engineer of the County as the case may be, and shall contain the following:

(1) Description of the vehicle, equipment and load to be moved;

(2) Street location or other identifying description of the place to which the vehicle, equipment and load is to be moved;

(3) Complete designation of the route to be followed;

(4) Height, width and length of the vehicle, equipment and load;

(5) Times at which the movement of the vehicle, equipment, and load will commence and terminate;

(6) Certified statement that the moving contractor has examined the route and determined that there will be a clearance of at least one (1) foot on each side of the vehicle, equipment and load and any possible obstructions existing along the route.

(c) No permit shall be issued unless:

(1) The applicant shall have secured and presents to the issuing officer all clearances required by any law, ordinance or regulations;

(2) There is more than one (1) foot clearance on each side of the vehicle, equipment and load along the route to be followed;

(3) The issuing officer shall be satisfied that there are available sufficient pull out areas for use in case of delay or breakdown;

(4) The applicant shall have obtained a permit from the Engineer of the County where the vehicle, equipment and load, as loaded, exceeds thirteen (13) feet in height;

(5) And in the case of loads of excessive widths, the applicant shall have filed with the issuing officer a certificate of any insurance carrier certifying that there is a Comprehensive Automobile Liability Insurance Policy covering the applicant, and his authorized agents, executors, administrators, heirs and assigns for liability in the minimum amount of One Hundred Thousand Dollars (\$100,000) for bodily injury to or death of one (1) person in any one (1) accident, and in the amount of Three Hundred Thousand Dollars (\$300,000)

for bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Fifty Thousand Dollars (\$50,000) because of damage to or destruction of property of others in any one (1) accident.

(d) The Director of Transportation of the State of Hawaii or the County Engineer, as the case may be, may, in their discretion, change and designate another route to be followed or the time during which the movement shall be made prior to the issuance of a permit. (Ord. No. 134, January 19, 1968; Sec. 16-19.6, R.C.O. 1976)

**Sec. 16-19.7 Regulations As To Movement Of Loads Of Excessive Width.**

(a) Loads of excessive width shall be moved or transported only during the hours between 1:00 A.M. and 6:00 A.M., except in certain rural areas the issuing officer may, in his discretion, permit movements between the hours of 10:00 A.M. and 3:00 P.M. where traffic may be diverted over an alternate route and where the flow of traffic will not be unduly impeded by the movement, provided loads of less than fourteen (14) feet in width, exclusive of eaves or overhangs of three (3) feet or less and having a clearance of ten (10) feet or more above the roadway may be moved at any time except during the hours between 6:00 A.M. to 8:30 A.M. and during the hours between 3:30 P.M. to 5:30 P.M.

(b) The maximum speed of movement of the loads shall be twenty-five (25) miles per hour.

(c) When movements are permitted during day light hours, the loads shall be marked at each corner by a red flag. An escort vehicle, displaying at least one (1) red flag on each side at the front, shall precede the load. The flags referred to in this Section shall be not less than sixteen (16) inches square (256 square inches).

(d) When movements are made at night, the load shall be escorted by at least two (2) escort vehicles, one (1) of which shall precede the load and one (1) of which shall follow the load. The escort vehicles shall be equipped with at least one (1) oscillating amber light on the top of the cab, or one (1) blinking amber light at least six (6) inches in diameter in the front of the escort vehicle and one (1) blinking amber light in the rear of the rear escort vehicle.

When it is determined by the County Engineer that proposed escort vehicles do not meet the minimum requirements of this Section the applicant for a permit mentioned in Section 16-19.6 above, shall contract with the Police Department at least two (2) working days prior to the moving date for use of Police Department vehicles as escort vehicles.

(e) The leading escort vehicles shall precede the load by not less than the distances shown on the following table. The speeds shown in the table represent the established

speed limit for the street or highway on which the movement is taking place added to the speed at which the load is traveling.

Combined Speed M.P.H.	Minimum Distance From Load To Leading Escort Vehicle Feet
30	200
35	240
40	280
45	320
50	350
55	420
60	480
65	540
70	600

(f) When movements are made at night, the loads shall be lighted by at least one (1) string of incandescent lamps spaced at a maximum of five (5) feet on center around the entire load. At least one (1) lamp in the string shall be located at each corner of the load. All lamps shall be located not less than five (5) feet from the roadway surface. In addition thereto, at least one (1) lamp shall be placed or located at the corners of the load and shall be red in color and not less than one hundred (100) watts each, all others may be red, white or amber in color and shall be not less than fifty (50) watts each. Sufficient lanterns shall be provided of the colors specified for incandescent lamps to be used in the event of power failure or other similar emergency to insure that the minimum lighting required by this Traffic Code is maintained at all times.

(g) The vehicle or tractor carrying, transporting or drawing a load at night shall be equipped with at least two (2) flashing amber lights of not less than six (6) inches in diameter which shall be mounted on each side at the front of the vehicle or tractor, near the headlight but not in the same horizontal line therewith.

(h) If trailers are used in carrying or transporting a load at night, the lighting of the trailer shall be as specified in Section 16-17.4.

(i) On movements of loads which require the adjustments of overhead facilities, the contractor shall provide at least two (2) experienced workers on top of the structure to lift wires and perform other work as required to insure the safe passage of the load under overhead obstructions, without damage to the wires or obstructions. The workers shall be provided with safety gloves and all other safety devices required by the State Safety Code.

(j) All military tactical movement shall be exempted from the provisions of this Section.



(k) All agricultural equipment and implements of husbandry moved on public highways in the course of normal agricultural operations, and within the geographic area in which they are normally used, shall be exempted from the provisions of this Section. (Ord. No. 134, January 19, 1968; Sec. 16-19.7, R.C.O. 1976)

## **ARTICLE 20. MISCELLANEOUS PROVISIONS**

### **Sec. 16-20.1 Tracking Mud On Highways.**

No vehicle using the public highway shall track mud or dirt onto the traveled portion of the highway in quantities as will constitute a hazard when the roadway is wet, or obscure the painted paving markings thereon. In the event that mud or dirt is unavoidably tracked onto the highway, it shall be the duty of the operator of the offending vehicle to have the mud or dirt removed, or he shall place plainly visible signs warning of the hazard. The signs shall have black letters not less than six (6) inches in height on a yellow field carrying the warning "Slippery Mud Ahead" and having attached thereto one (1) or more red flag ten (10) inches wide by twelve (12) inches long, the signs to be placed no less than two hundred (200) feet, nor more than six hundred (600) feet on both approaches, provided that between thirty (30) minutes after sunset and thirty (30) minutes before sunrise there shall be required on the signs a red lantern or lanterns properly lighted in lieu of a red flag or flags. Upon removal of the mud or dirt from the highway, it shall be the duty of the operator of the vehicle tracking mud onto the highway to remove warning signs from the highway. (Ord. No. 134, January 19, 1968; Sec. 16-20.1, R.C.O. 1976)

### **Sec. 16-20.2 Regulations Governing Traffic During Parades, Funeral Or Other Processions.**

(a) No person shall drive a vehicle between the vehicles comprising a funeral or other authorized processions while they are in motion and when the vehicles are conspicuously designated as required by law. This provision shall apply at intersections where traffic is controlled by traffic control signals or by police officers. When the lead car of any funeral or other processions shall have entered any intersection, notwithstanding the light conditions at those intersections controlled by signal devices, then all other traffic shall yield the right-of-way to all vehicles comprising the funeral or other processions until it has passed through the intersection. The foregoing provisions of this Section shall apply only to funeral or other processions moving under police escort.

(b) No parade or other procession excepting the military forces of the United States, the military forces of the State of Hawaii, the forces of the Police Department and the forces of the Fire Department, shall occupy, march or proceed along any roadway except in accordance with a permit issued by the Chief of Police and other regulations as are set forth in this Section which may apply.

(c) A funeral procession composed of any number of vehicles shall be identified as a funeral procession by the conspicuous display on the top center of the first vehicle immediately in back of the funeral vehicle (hearse) and on the top center of the last vehicle in the procession, a banner not less than eight (8) inches long and four (4) inches wide, predominantly black or violet in color with, the word "Funeral" imprinted on both sides thereof in letters no less than one and one-fourth (1 1/4) inches in height and the display on the top center of the funeral vehicle (hearse) a flashing amber light having a minimum diameter of six (6) inches. The flags and the lights shall be fastened to the vehicles by means of magnets or suction cups. While in the procession, every driver shall turn on the head lamps of his vehicle as further identification. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C.O. 1971; Sec. 16-20.2, R.C.O. 1976; Ord. No. 767, May 16, 2001)

#### **Sec. 16-20.3 Unlawful Riding.**

(a) No person shall ride on any portion of a vehicle not designated or intended for the use of passengers.

(b) Persons riding within truck bodies in space intended for merchandise shall sit on the floor bed when vehicle is in motion. Standing up or riding on rails or edges of the cargo area is prohibited when vehicle is in motion.

(c) This Section shall not apply to an employee engaged in the necessary discharge of his duty. (Ord. No. 134, January 19, 1968; Sec. 16-20.3, R.C.O. 1976)

#### **Sec. 16-20.4 Obstruction Of Intersection.**

(a) No hedge, shrubbery, fence or similar obstruction shall be maintained or permitted within a radius of thirty (30) feet from the intersection of property lines at the corners of any street or highway intersection when any point on the obstruction within the radius extends to a greater height than three (3) feet above the nearest edge of the roadway of the abutting street, provided that the height limitation imposed by this Section, County Ordinance, or County regulation may exceed three (3) feet upon the determination of the County Engineer that it does not obstruct vision or constitute a traffic hazard.

(b) The Chief of Police shall cause a notice to be served upon the owner or occupant of all property where a

violation of this Section exists to remove the obstruction within one (1) week from the service of the notice.

(c) If the obstruction is not removed, or its removal is not commenced and diligently prosecuted within the given time, the Chief of Police shall forthwith notify the County Engineer of the Department of Public Works to remove the obstruction. All costs, sustained or incurred in the course of so removing the obstruction, shall be paid by the owner, lessee, or the person in control of the obstruction, and the County may institute action to recover the costs and expenses sustained or incurred by the County. (Ord. No. 134, January 19, 1968; Sec. 16-20.4, R.C.O. 1976)

**Sec. 16-20.5 Warning Signs Required For The Protection Of Workmen On The Highway.**

It shall be unlawful for any person to work upon any portion of the public streets, roads, highways, alleys, lanes, driveways, paths, or sidewalks unless the work shall employ the necessary warning signs, lights and other safety devices, required by the rules, regulations and specifications contained in the Manual on Uniform Traffic Control Devices for Streets & Highways, Part VI (U.S. Department of Commerce, Bureau of Public Roads, June 1961), issued by the County Engineer. (Ord. No. 134, January 19, 1968; Sec. 16-20.5, R.C.O. 1976)

**Sec. 16-20.6 Carrying Passengers On Trucks.**

(a) It shall be unlawful for an owner or driver of a truck or other vehicle designed and constructed for commercial purposes to use the vehicle for the transportation of passengers without a special permit from the Chief of Police. The Chief of Police shall issue a permit only after he is thoroughly satisfied that passengers can be transported with safety in the vehicle and that the driver of the vehicle is competent. Permits shall be issued for not more than forty-eight (48) hour periods and shall bear the name of the driver, registration number of the vehicle, the owner's name and the number of passengers allowed to be carried, and if passengers are carried for hire, or if school children are carried either with or without remuneration, the owner shall show financial responsibility or insurance to cover any accident that might arise while the vehicle is so used, provided that where the vehicle is used in the regular course of business of the owner in transporting the employees of the owner to or from their respective places of employment or where the vehicle is used in transporting school children to and from school without remuneration, the permit may be issued for yearly periods.

(b) This Section shall not apply to the owner's use for family purposes, nor for an employer transporting employees in the course of business. (Ord. No. 134, January 19, 1968; Sec. 16-20.6, R.C.O. 1976)

**Sec. 16-20.7 Restrictions On Federal-Aid Highways.**

No person shall, at any time, carry on or solicit business on any portion of a federal-aid highway. (Ord. No. 134, January 19, 1968; Sec. 16-20.7, R.C.O. 1976)

**Sec. 16-20.8 Permanent And Temporary Truck Crossings.**

(a) The County Council may designate particularly dangerous permanent highway truck crossings and authorize erection of warning and speed limit signs thereat.

(b) Wherever trucks, trailers, tractors, and other vehicles cross a highway at frequent intervals due to harvesting of cane, necessary construction, or other special work, the owner of the vehicles or the person in charge of the operations shall post warning signs approved by the County Engineer on both approaches to the temporary truck crossing so as to warn motorists of the dangerous or unusual use of the highway. (Ord. No. 134, January 19, 1968; Sec. 16-20.8, R.C.O. 1976)

**ARTICLE 21. PENALTIES AND PROCEDURES ON ARREST**

**Sec. 16-21.1 Procedure Upon Arrest.**

Except when authorized or directed under State law to immediately take a person arrested for a violation of any of the traffic laws before a district judge, any authorized police officer, upon making an arrest for violation of the State traffic laws or traffic ordinances of the County of Kauai, shall take the name, address, driver's license number of the alleged violator, and the registered license number of the motor vehicle involved and shall issue to the driver in writing a summons or citation as described in this Article, notifying the driver to answer to the complaint to be entered against the driver at a place and at a time provided in the summons or citation. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C.O. 1971; Sec. 16-21.1, R.C.O. 1976; Ord. No. 794, October 29, 2002)

**Sec. 16-21.2 Summons Or Citation.**

(a) There shall be provided for use by authorized police officers or other County employees as may be authorized by law a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators. The summons or citation shall be printed in a form commensurate with the form of other summons and citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid and legal within the laws and regulations of the State of Hawaii and the County of Kauai. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the District Courts.

(b) In every case when a citation is issued the original of the citation shall be given to the violator or in the case of an unattended vehicle, the original of the citation shall

be affixed to the vehicle as provided for in subsection (d) of this Section, provided that the administrative judge of the District Courts may prescribe other procedures for the issuance of a summons or citation to a violator or the method of affixing to a vehicle a carbon copy of the citation, and provide for the disposition of the original and any other copies.

(c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

(d) In the event a citation is issued for an unattended vehicle, the officer shall affix the original thereof to the windshield wiper of the driver's side of the vehicle, or to any other section of the vehicle which would place it in plain sight of the driver or owner of the vehicle. (Ord. No. 134, January 19, 1968; Ord. No. 379, March 5, 1980; Sec. 16-21.2, R.C.O. 1976; Ord. No. 794, October 29, 2002)

#### **Sec. 16-21.3 Summons Or Citation On Illegally Parked Vehicle.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions contained in this Chapter, police officers or other County employees designated by the Chief of Police finding such a vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a summons or citation in the manner described in Section 16-21.2 of this Article for the driver to pay such fine as is imposed by the district court. (Ord. No. 134, January 19, 1968; Ord. No. 379, March 5, 1980; Sec. 16-21.3, R.C.O. 1976; Ord. No. 794, October 29, 2002)

#### **Sec. 16-21.4 Failure To Comply With Summons Attached To Parked Vehicle.**

If a violator of the restrictions on stopping, standing, or parking under this Chapter does not appear in response to a summons affixed to the motor vehicle within the period of time specified on the summons, District Courts of the County of Kauai shall send to the owner of the motor vehicle to which the summons was affixed a letter informing him of the violation and notifying the driver that in the event the letter is disregarded for a specified period of time the court may impose penalties on all outstanding traffic citations. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 9, C.O. 1971; Sec. 16-21.4, R.C.O. 1976; Ord. No. 794, October 29, 2002)

#### **Sec. 16-21.5 Required Public Obedience To Traffic Regulations.**

It is a violation for any person to do any act forbidden, or fail to perform any act required, by this Chapter. (Ord. No. 134, January 19, 1968; Sec. 16-21.6, R.C.O. 1976; Ord. No. 794, October 29, 2002)

**Sec. 16-21.6 Penalty.**

Any person convicted of a violation of any section or provision of this Chapter shall be subject to a fine to be enforced and collected by the district courts, pursuant to Hawaii Revised Statutes Chapter 291D. (Ord. No. 134, January 19, 1968; Ord. No. 147, May 22, 1970; Sec. 16-21.8, R.C.O. 1976; Ord. No. 671, January 18, 1995; Ord. No. 794, October 29, 2002)

**Sec. 16-21.7 Revocation Or Suspension Of License.**

In addition to the penalty provided in Section 16-21.8 of this Article, the court may revoke or may suspend, for a period not to exceed one (1) year, the license of any operator or chauffeur convicted of a violation of any section or provision of this Chapter involving a vehicle in motion. (Ord. No. 134, January 19, 1968; Sec. 16-21.9, R.C.O. 1976; Ord. No. 794, October 29, 2002)

**Sec. 16-21.8 Disposition Of Fines And Forfeitures.**

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this Chapter shall be paid into the State General Fund. (Ord. No. 134, January 19, 1968; Sec. 16-21.10, R.C.O. 1976; Ord. No. 794, October 29, 2002)

## ARTICLE 22. SPEED HUMPS

### Sec. 16-22.1 Purpose.

The Council of the County of Kauai finds that the installation of speed humps on local residential streets will increase highway safety in those areas. The Director of the Department of Transportation, State of Hawaii, has authorized the utilization of speed humps as traffic control devices within the County of Kauai. This article authorizes the County Engineer to utilize speed humps as traffic control devices and to place speed humps on local residential streets. (Ord. No. 720, March 24, 1998)

### Sec. 16-22.2 Definitions.

For purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used in this article are defined hereinbelow:

"Arterial Highway" means a highway primarily for through traffic, usually a continuous route.

"Collector Street/Road" means a street or road that collects traffic from local streets and channels traffic to the arterial highway system.

"County Engineer" means the County Engineer, Department of Public Works, County of Kauai, or his duly authorized representative.

"County Residential Street" means a street under the jurisdiction and control of the County of Kauai which permits direct access to residential lots, offers the lowest level of motor vehicular mobility, and does not service through traffic.

"Director" means the Director of the Department of Transportation, Highway Division, State of Hawaii.

"Resident" means the full time adult occupant of a dwelling.

"Speed hump" means a traffic control device as described in "*Guidelines for the Design and Application of Speed Humps, March 1993*", as amended, published by the Institute of Transportation Engineers. (Ord. No. 720, March 24, 1998)

### Sec. 16-22.3 Powers and Duties of County Engineer.

The County Engineer may:

1. Receive written requests from the public pursuant to this article for the placement or removal of speed humps on County local residential streets.

2. Prepare or have prepared for the Department an engineering study documenting safety concerns, traffic concerns, and alternative traffic control measures.

3. Request a resolution from the County Council to install or remove speed humps.

4. Install or remove speed humps on County residential streets in accordance with the *Guidelines for the Design and Application of Speed Humps, March 1993*, as amended, this

Chapter and any rules and regulations promulgated by the Department of Public Works, pursuant to Council resolution. (Ord. No. 720, March 24, 1998)

**Sec. 16-22.4 Requests for Approval.**

A written request for speed hump installation or removal shall be submitted to the County Engineer setting forth the following conditions:

1. Name of the affected County residential street.
2. Consent of at least seventy-five percent of the residents residing in a dwelling which abuts the affected street or through street within a 500 feet radius from the location of the proposed speed hump. (Ord. No. 720, March 24, 1998)

**Sec. 16-22.5 Street Criteria.**

Subject to Council resolution, the County Engineer may install speed humps on streets which meet the following criteria:

1. Streets which are classified by the Department of Public Works as a County local residential street; unless otherwise authorized by the County Council and meets the following criteria set forth in subsection 16-22.4(2) through 16-22.5(11), herein.
2. Streets where the posted speed limit is no greater than 25 miles per hour;
3. Streets which provide stopping sight distance of 250 feet;
4. Streets where the grade is eight (8) percent or less approaching the proposed hump;
5. Streets where the pavement width is 18 to 24 feet for two way travel;
6. Streets where there are no more than two travel lanes;
7. Streets where the normal daily traffic volume is between 200 to 3,000 vehicles; and
8. Streets with a minimum length of 500 feet.
9. Streets where the roadway curves have a centerline radius greater than 300 feet.
10. Streets where roadway vertical curves are greater than the minimum sight distance. (Ord. No. 720, March 24, 1998; Ord. No. 732, March 20, 1999)

**Sec. 16-22.6 Streets on Which Speed Humps Shall Not be Installed.**

Speed humps shall not be installed on:

1. Streets that are major emergency vehicle or bus routes.
2. Streets that are minor collector, major collector, minor arterial, and principal arterial,



approved and as shown in the Highway Functional Classification Maps and Listing by the State of Hawaii Department of Transportation, Highway Division and the Federal Highway Administration.

3. Streets that are minor or major collectors as determined by the County of Kauai, Department of Public Works, unless otherwise authorized by the County Council and meets the following criteria set forth in subsection 16-22.4(2) through 16-22.5(11), herein. (Ord. No. 720, March 24, 1998)

**Sec. 16-22.7 Rules.**

The County Engineer may adopt rules and regulations pursuant to Chapter 91, Hawaii Revised Statutes, necessary to effectuate the purposes of this ordinance. (Ord. No. 720, March 24, 1998)



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(c) The following fees are established for each road test given to applicants:

1. For category types one, two,  
and three, \$ 5.00

(d) There shall be established a test fee of \$1.00 for each written exam taken by applicants. (Ord. No. 133, January 12, 1968; Ord. No. 330, October 17, 1977; Sec. 17-1.1, R.C.O. 1976; Sec. 17-1.1, 1978 Cumulative Supplement; Ord. No. 487, May 12, 1986; Ord. No. 531, December 9, 1987; Ord. No. 719, August 18, 1997)

**Sec. 17-1.2 Collection Of Fees.**

All fees collected shall be deposited in the General Fund of the County of Kauai. (Ord. No. 133, January 12, 1968; Ord. No. 330, October 17, 1977; Sec. 17-1.2, R.C.O. 1976; Sec. 17-1.2, 1978 Cumulative Supplement; Ord. No. 487, May 12, 1986)

## CHAPTER 17A

### COUNTY BUS FARES

Article 1.	County Bus Fares
Sec. 17A-1.1	Definitions
Sec. 17A-1.2	Island Wide Fare Structure
Sec. 17A-1.3	Fare Collection
Sec. 17A-1.4	No Refunds
Sec. 17A-1.5	Lost or Stolen Frequent Rider Passes
Sec. 17A-1.6	Frequent Rider Passes and Identification Cards-Penalty
Sec. 17A-1.7	Collection of Moneys
Sec. 17A-1.8	Severability

### ARTICLE 1. COUNTY BUS FARES

#### **Sec. 17A-1.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

"Agency" means the Transportation Agency of the Offices of Community Assistance, County of Kauai.

"Disabled" means any individual who is certified by a public entity to be "ADA Paratransit Eligible" pursuant to 49 Code of Federal Regulations Part 37.

"Fixed Route" means transit service provided on a fixed schedule along a prescribed route.

"Paratransit" means comparable transit service required by the Americans with Disabilities Act of 1990, as amended, provided to qualified individuals with disabilities who are unable to use fixed route transit service.

"Senior citizens" means any individual age 60 and over.

"Youth" means any individual from the ages of 7 through 18. (Ord. No. 662, September 2, 1994; Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

#### **Sec. 17A-1.2 Island Wide Fare Structure**

(a) Fare Schedules. Every person using the county bus system owned, maintained or operated by the County of Kauai shall pay the following base cash fare for one-way travel to be collected upon boarding the County bus:

	Fixed Route	Paratransit
Adult	\$1.50	\$1.50
Senior Citizen		
(with identification)	\$0.75	\$0.75
Youth (with identification)	\$0.75	\$0.75
Disabled (with identification)	N/A	\$0.75

(b) There shall be no fare charged for children six (6) years old and under when accompanied by an adult passenger on the fixed route or paratransit service.

(c) A "Frequent Rider Pass" shall be available for a fee of \$15.00 per month and can be used for unlimited trips for the specified month on fixed route or paratransit service.

(d) The fare for paratransit service will apply unless otherwise specified by the conditions of any applicable grant or the terms of any applicable contractual agreement. (Ord. No. 662, September 2, 1994; Ord. No. 673, January 18, 1995; Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

**Sec. 17A-1.3 Fare Collection**

Bus Drivers shall be responsible for the collection of fares on all County buses. Bus Drivers shall have the authority to ask passengers for identification as required to determine if proper fares are being charged. (Ord. No. 765, May 14, 2001)

**Sec. 17A-1.4 No Refunds**

There shall be no refunds on any fares deposited into a vehicle's farebox or otherwise collected by Agency. (Ord. No. 765, May 14, 2001)

**Sec. 17A-1.5 Lost or Stolen Frequent Rider Passes**

Lost or stolen Frequent Rider passes shall not be replaced by the Agency. (Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

**Sec. 17A-1.6 Frequent Rider Passes and Identification Cards-Penalty**

(a) Any Frequent Rider Pass or identification card issued under this chapter is nontransferable and shall not be used by any person other than by the person to whom it was issued. No person shall obtain or attempt to obtain an identification card under this section based on false application or certification. No person shall alter a Frequent Rider Pass or identification card issued under this section, unless authorized by the Agency. In addition to the penalty under this subsection (b) of this section, any person who is issued such a Frequent Rider Pass or identification card based upon false application or certification, who knowingly permits another to use the Frequent Rider Pass or identification card, or who alters, without authorization from the Agency, the person's Frequent Rider Pass or identification card shall be penalized by:

(1) Suspending the Frequent Rider Pass for the remainder of the term; and

(2) Prohibiting the renewal or replacement of the Frequent Rider Pass, or the issuance of a new Frequent Rider Pass, or both, until one year from the date of conviction.

(b) The following persons shall be in violation of this section and if convicted shall be fined not more than Five Hundred Dollars (\$500.00):

(1) Any person who uses a pass or identification card issued to another;

(2) Any person, to whom a pass or identification card has been issued, who knowingly permits another to use that pass or identification card;

(3) Any person who obtains or attempts to obtain a pass or identification card based on false application or certification; or

(4) Any person who alters a pass or identification card without authorization from the Agency. (Ord. No. 662, September 2, 1994; Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

**Sec. 17A-1.7 Collection Of Moneys**

All moneys received from cash fares and Frequent Rider Pass sales shall be deposited in the General Fund and shall be expended for the management, operation, maintenance, repair, replacement and acquisition of Agency buses. (Ord. No. 662, September 2, 1994; Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

**Sec. 17A-1.8 Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts. (Ord. No. 662, September 2, 1994; Ord. No. 684, April 27, 1995; Ord. No. 765, May 14, 2001)

